

UNOFFICIAL COPY



PREPARED BY:

Name: Esquire Petroleum No.17010

Address: 6705 West Cermak Road
Berwyn, Illinois 60402

RETURN TO:

Name: Esquire Petroleum LLC
Attn: Ulice Payne Jr.

Address: 13555 Bishops Court, Suite 100
Brookfield, Wisconsin 53005

Doc#: 1301546123 Fee: \$72.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 01/15/2013 12:06 PM Pg: 1 of 18

(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.: 0310215045

Leaking UST Incident No.: 20031125

Esquire Petroleum LLC, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 13555 Bishops Court, Suite 100, Brookfield, Wisconsin, 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: See Attached Legal Description
2. Common Address: 6705 West Cermak Road, Berwyn, Illinois 60402
3. Real Estate Tax Index/Parcel Index Number: 16-30-200-016-0000 & 16-30-200-043-000
4. Site Owner: St. Francis Corp.
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

JFG

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- 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

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Jay F. Gaydosh, at 217-785-0231.

Sincerely,

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

HAC:JFG;jk\20011125 NFR Letter

Attachments: Leaking Underground Storage Tank Environmental Notice
Figure 1: Site Base With Utilities
Figure 3: Soil Assessment Map
Figure 4: Groundwater Assessment Map
Figure 5: Institutional Controls Map
Legal Description
City of Berwyn Groundwater Ordinance No. 06-12

cc: Antea Group
BOL File

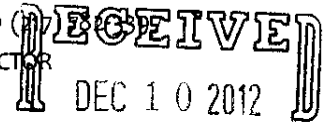


ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (618) 271-1000

PAT QUINN, GOVERNOR

JOHN J. KIM, INTERIM DIRECTOR



217/524-3300

CERTIFIED MAIL BY:.....

DEC 06 2012

7010 2780 0002 1164 1176

Esquire Petroleum, LLC
 Attn: Ulice Payne Jr.
 13555 Bishops Court, Suite 100
 Brookfield, Wisconsin 53005

Re: LPC # 0310215045 -- Cook County
 Berwyn/Exxon Mobil (aka: Esquire Petroleum No. 17010)
 6705 West Cermak Road
 Leaking UST Incident No. 20031125 -- NFR Letter
 Leaking UST Technical File

Dear Mr. Payne:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information was dated August 7, 2012 and was received by the Illinois EPA on August 9, 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 Nathan Douglas Johnson, 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:

1. Esquire Petroleum LLC, 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.
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.

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.

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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 (IDOT) 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 6705 West Cermak Rd., Berwyn, Illinois. Specifically, as shown on the attached map, contamination will remain in the right-of-way for Cermak Rd. as indicated in the Highway Authority Agreement # HAA 1218 . 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 Street
 Schaumburg, Illinois 60196

Groundwater Use Ordinance:

Ordinance no. 06-12 adopted by the City of Berwyn effectively prohibits the

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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 Berwyn 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.

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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.

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.
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;

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Page 6

- 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

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Jay F. Gaydosh, at 217-785-0231.

Sincerely,



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

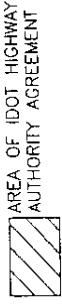
HAC:JFG;jk\20011125 NFR Letter

Attachments: Leaking Underground Storage Tank Environmental Notice
Site Base Map
Legal Description
City of Berwyn Groundwater Ordinance No. 06-12

cc: Antea Group
BOL File

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LEGEND




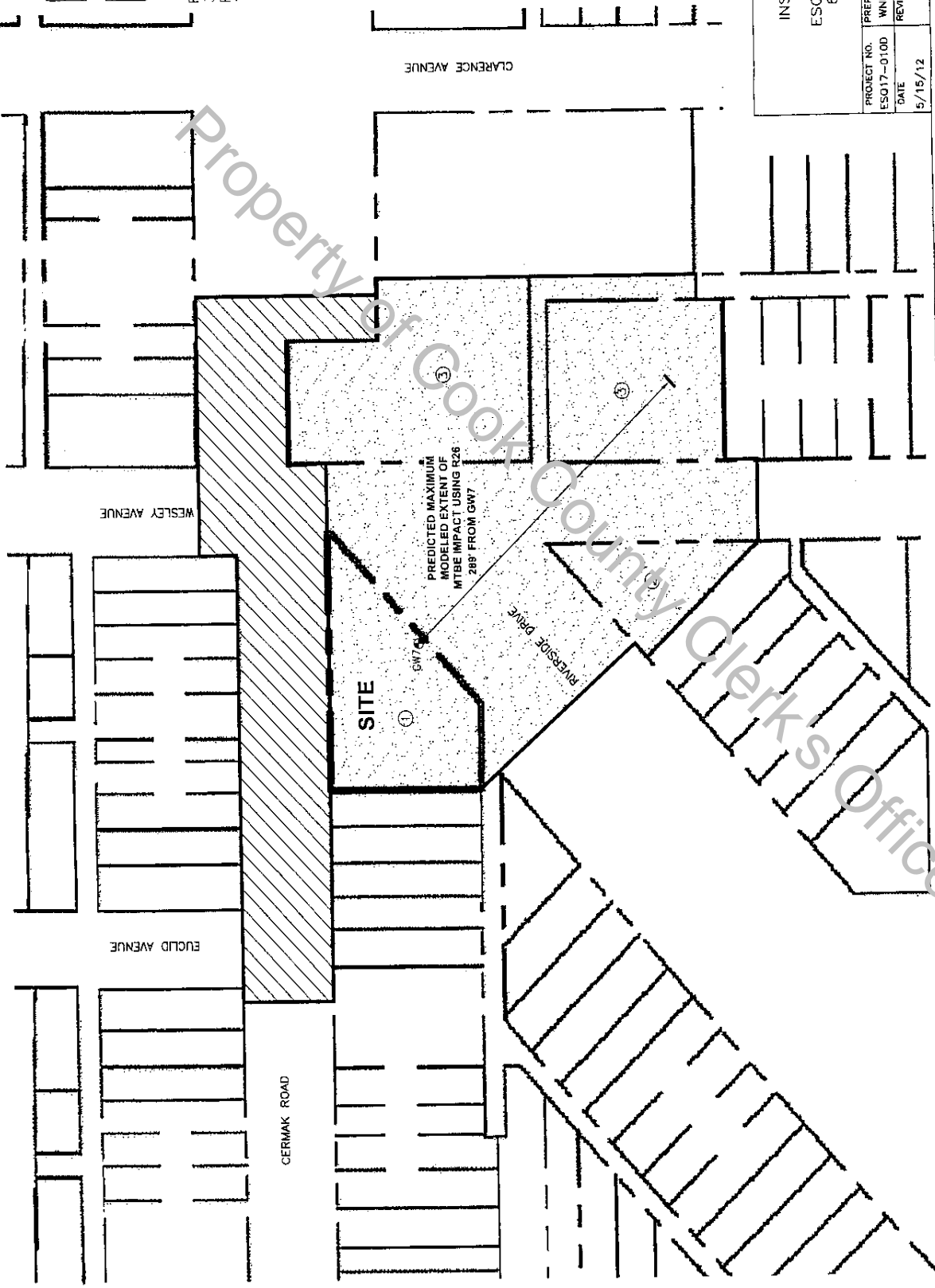
FOR PROPERTIES NUMBERED 1 THROUGH 3, PLEASE REFER TO APPENDIX D FOR PROPERTY OWNER INFORMATION OF THOSE PARCELS.



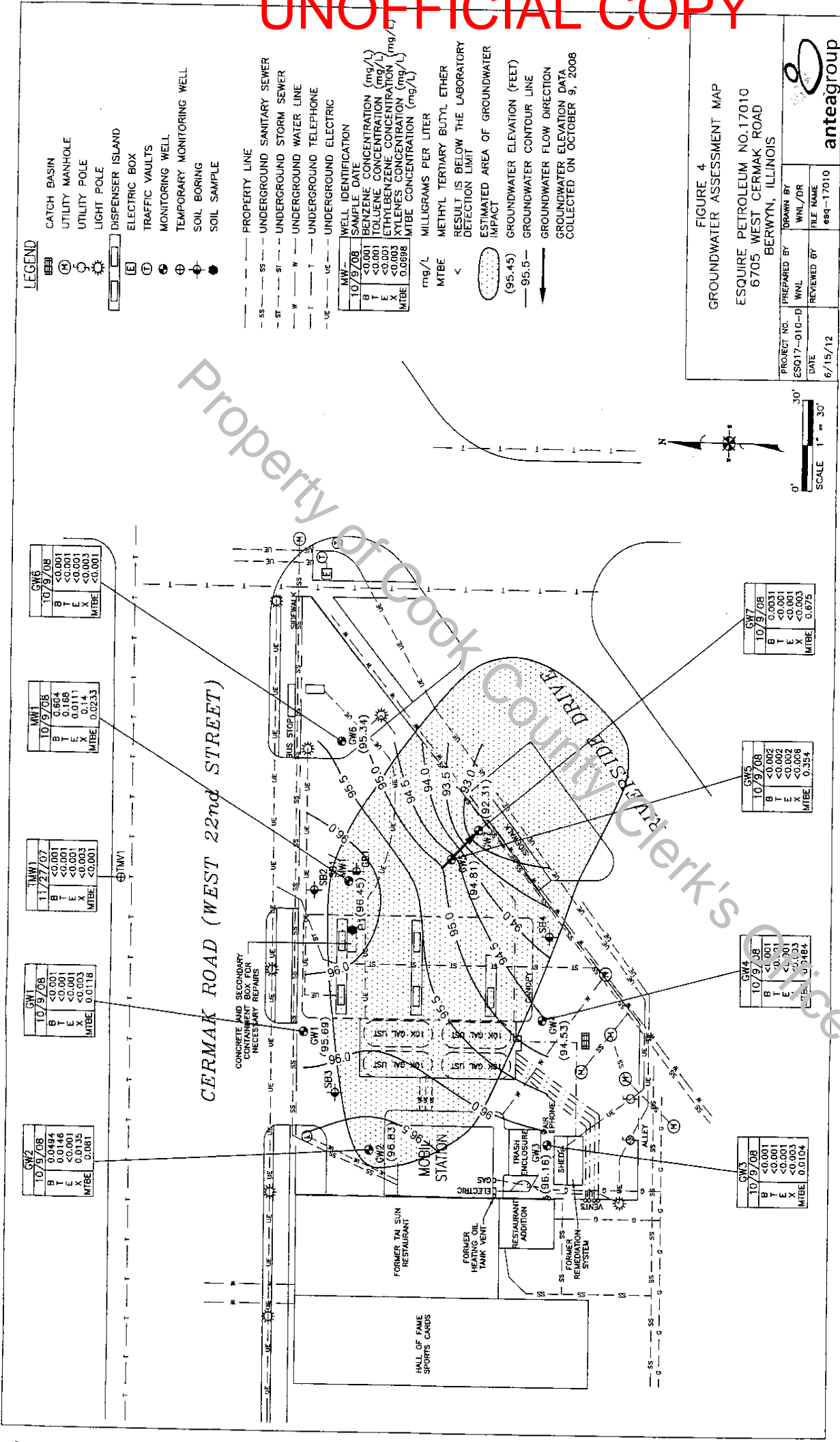
SCALE 1" = 80'

FIGURE 5
INSTITUTIONAL CONTROLS MAP
ESQUIRE PETROLEUM NO.17010
6705 WEST CERMAK ROAD
BERWYN, ILLINOIS

PROJECT NO. ESO17-0100	PREPARED BY WNL	DRAWN BY DR	FILE NAME esq-17010
DATE 5/15/12	REVIEWED BY	 anteagroup	



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803844074 Page: 8 of 8

EXHIBIT A
LEGAL DESCRIPTION

Parcel 1:

Lots 1 and 2 (except the North 7 feet thereof) in Block 1 in Klima's Subdivision of Lots 1 and 2 in the partition of West 51.49 acres of the West half of the Northeast quarter and the East 41 acres of the East half of the Northwest quarter of Section 30, Township 39 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 2:

The Northwesterly 20 feet of Riverside Parkway lying South of the South line of West Cermak Road, North of the North line of East-West 16 foot alley South of Cermak Road and said North line extended East, and West of a line drawn at right angles to Cermak Road through a point 26.0 feet East of the intersection of the Northwesterly line of Riverside Parkway (Drive) and the South line of Cermak Road, (as measured on the South line of Cermak Road) in the West half of the North East Quarter of Section 30, Township 39 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 3:

Lot 3 (except the North 7 feet thereof conveyed to the City of Berwyn for street) in Block 1 in Klima's Subdivision of Lots 1 and 2 in the partition of West 51.49 acres of the West half of the Northeast quarter and the East 41 acres of the East half of the Northwest quarter of Section 30, Township 39 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

16-30-200-016-0000

16-30-200-043-0000

Cook County Clerk's Office

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CITY OF BERWYN

ORDINANCE NO. 06-12ADOPTED BY THE CITY COUNCIL
OF THE
CITY OF BERWYNTHIS 28th DAY OF February, 2006PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE CITY COUNCIL OF THE CITY OF
BERWYN, COOK COUNTY, ILLINOIS, THIS 28th DAY OF February,
2006STATE OF ILLINOIS }
COUNTY OF COOK } SS**CERTIFICATE**I, THOMAS J. PAVLIK, CERTIFY THAT I AM THE DULY ELECTED CITY CLERK OF THE CITY
OF BERWYN, COOK COUNTY, ILLINOIS.I FURTHER CERTIFY THAT ON February 28, 2006, THE CORPORATE
AUTHORITIES OF SUCH MUNICIPALITY PASSED AND APPROVED ORDINANCE
NO. 06-12 ENTITLED:AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER AS A POTABLEWATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLYWELLS OR BY ANY OTHER METHOD IN THE CITY OF BERWYN, COOK COUNTY, ILLINOIS

WHICH PROVIDED BY ITS TERMS THAT IT SHOULD BE PUBLISHED IN PAMPHLET FORM.

THE PAMPHLET FORM OF ORDINANCE NO. 06-12, INCLUDING THE ORDINANCE
AND A COVER SHEET THEREOF WAS PREPARED, AND A COPY OF SUCH ORDINANCE
WAS POSTED IN THE MUNICIPAL BUILDING, COMMENCING ON March 1, 2006
AND CONTINUING FOR AT LEAST TEN DAYS THEREAFTER. COPIES OF SUCH
ORDINANCE WERE ALSO AVAILABLE FOR PUBLIC INSPECTION UPON REQUEST IN THE
OFFICE OF THE MUNICIPAL CLERK.DATED AT BERWYN, ILLINOIS THIS 1st DAY OF March 2006.

(SEAL)

 THOMAS J. PAVLIK, CITY CLERK

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ORDINANCE NO. 06-12

**AN ORDINANCE PROHIBITING THE USE
OF GROUNDWATER AS A POTABLE
WATER SUPPLY BY THE INSTALLATION
OR USE OF POTABLE WATER SUPPLY
WELLS OR BY ANY OTHER METHOD IN THE
CITY OF BERWYN, COOK COUNTY, ILLINOIS**

WHEREAS, certain properties in the City of Berwyn, Illinois have been used over a period of time for commercial/industrial purposes; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City of Berwyn 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 of Berwyn desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are the source of said chemical constituents.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
BERWYN, ILLINOIS:

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

Except for such uses or methods in existence before the effective date of this ordinance, the use of, or attempted use of, groundwater from within the corporate limits of the City of Berwyn, 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 of Berwyn.

SECTION 2: Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of up to Five Hundred Dollars and no/100 (\$500.00) per day, 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 hereby repealed insofar as they are in conflict with this ordinance, specifically Ordinance No. 1042.25 is hereby repealed and replaced by this ordinance.

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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 as provided by law.

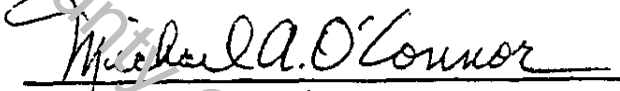
Property of Cook County Clerk's Office

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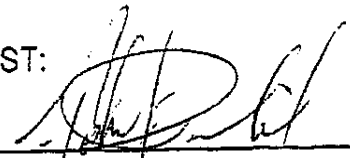
ADOPTED this 28th day of February, 2006, pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Chapman	✓			
Ramos	✓			
Weiner	✓			
Skryd	✓			
Brocato	✓			
Phelan	✓			
Lovero	✓			
Erickson	✓			
O'Connor (Mayor)				
TOTAL	8			

APPROVED by the Mayor on ~~February~~ ^{MARCH} 1, 2006.


 Michael A. O'Connor
 MAYOR

ATTEST:



 Tom Pavlik
 CITY CLERK

S:\RoseSikorski\Berwyn\Ordinance\Groundwater Ord. wpd