

UNOFFICIAL COPY

PREPARED BY:

Name: Shell Oil Products US
Attn: John Robbins

Address: 10200 West Roosevelt Road
Westchester, Illinois 60153



Doc#: 1314144035 Fee: \$68.00
RHSP Fee: \$10.00 Affidavit Fee:
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 05/21/2013 11:46 AM Pg: 1 of 16

RETURN TO:

Name: Shell Oil Products US
Attn: John Robbins

Address: 20945 S. Wilmington Avenue
Carson CA 90810

(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.: 0313155005

Leaking UST Incident No.: 20081099

Shell Oil Products US, Attention John Robbins, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 20945 S. Wilmington Avenue, Carson CA, 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: 10200 West Roosevelt Road, Westchester, Illinois
3. Real Estate Tax Index/Parcel Index Number: 15-16-310-064-0000 and 15-16-310-068-0000
4. Site Owner: RDK Ventures, LLC
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

HAC:LS

Attachment: Groundwater Use Ordinance
Legal Property Description
Highway Authority Agreement Map

"THE SIGNATURES OF THE PARTIES EXECUTING THIS DOCUMENT
ARE COPIES AND ARE NOT ORIGINAL SIGNATURES."

Leaking Underground Storage Tank Environmental Notice

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STATE OF ILLINOIS)

COUNTY OF COOK)

CERTIFICATION

I, **Molly A. Keane**, do hereby certify that I am the duly appointed Deputy Village Clerk of the Village of Westchester, a municipal corporation in the County and State aforesaid, and

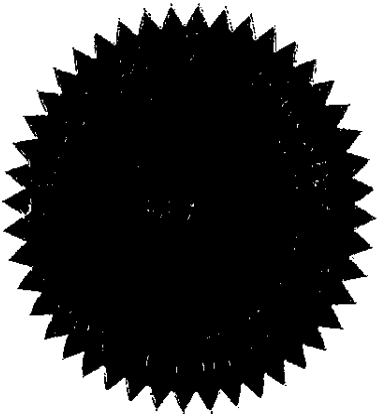
DO HEREBY CERTIFY that the attached is a true, full, complete and correct copy of:

Ordinance No. 2012-1972

An ordinance amending 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 at or within the area designated on exhibit a attached hereto and made a part hereof.

as appears from the records in my office.

GIVEN under my hand and the corporate seal of said Village this 25th day of January, 2013



Molly A. Keane

Molly A. Keane
Deputy Village Clerk

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ORDINANCE NUMBER 2012- 1972

**AN ORDINANCE AMENDING 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 AT OR WITHIN THE AREA DESIGNATED ON EXHIBIT A
ATTACHED HERETO AND MADE A PART HEREOF**

WHEREAS, certain properties in the Village of Westchester, Illinois have been used over a period of time for commercial or industrial purposes; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the Village of Westchester may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier I remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the Village of Westchester 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; and

WHEREAS, on August 28, 2012, Ordinance 2012-1965 entitled, "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 AT OR WITHIN THE AREA DESIGNATED ON EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF" was adopted; and

WHEREAS, a larger area than previously described in Ordinance 2012-1965 needs to be described.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE BOARD OF THE
VILLAGE OF WESTCHESTER, ILLINOIS:**

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Section One. 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 Village of Westchester in that area of the Village of Westchester as legally described on Exhibit "A", attached hereto and made a part hereof, and as depicted on Exhibit "B", attached hereto and made a part hereof, adjacent to the northwest corner of Roosevelt Rd and Westchester Blvd., 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 Village of Westchester.

Section Two. Penalties.

Any person violating the provisions of this Ordinance shall be subject to a fine of up to \$750.00 for each violation.

Section Three. 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 Four. Repealer.

All ordinances or parts of ordinances in conflict with this Ordinance, including Ordinance 2012-1965, are hereby repealed insofar as they are in conflict with this Ordinance.

Section Five. 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

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as a whole or of any portion not adjudged invalid.

Section Six. Effective date.

This Ordinance shall be in full force and effect ten (10) days after its passage, approval and publication as required by law.

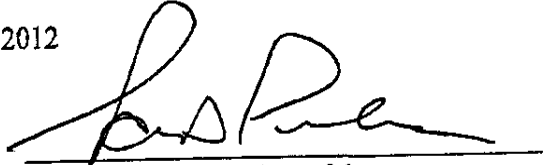
ADOPTED this 13 day of November, 2012, pursuant to a roll call vote as follows:

AYES: Truszk, Novak, Perry, Sloan, Steker, Markovich + Pres. Pulia

NAYS: —

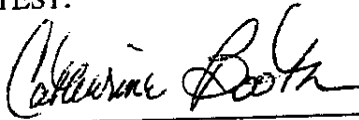
ABSENT: Twelve Gattuso

APPROVED by me this 13 day of November, 2012




Sam D. Pulia, President of the Village of Westchester, Cook County, Illinois

ATTEST:



Catherine Booth, Clerk

Officially published this 13 day of November, 2012.



Catherine Booth, Clerk

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EXHIBIT "A"
Legal Description

(metes & bounds)

Commencing at the northwest corner of the Shell Oil Company Property located at 10200 West Roosevelt Rd. in Westchester, Illinois, thence southeasterly along the southerly right-of-way line of the Canadian National Railway a distance of 365' to the northeasterly right-of-way line of Westchester Boulevard, thence southerly along the easterly right of way line of Westchester Boulevard a distance of 280' to the Northerly right-of-way of an alley which is 80' south of the southerly right-of-way of Roosevelt Road, thence westerly a distance of 220' parallel to Roosevelt Road, thence northerly a distance of 105' to the southerly right of way line of Roosevelt Road, thence westerly a distance of 80' along the southerly right-of-way line of Roosevelt Road, thence northerly a distance of 320' to the point of beginning.

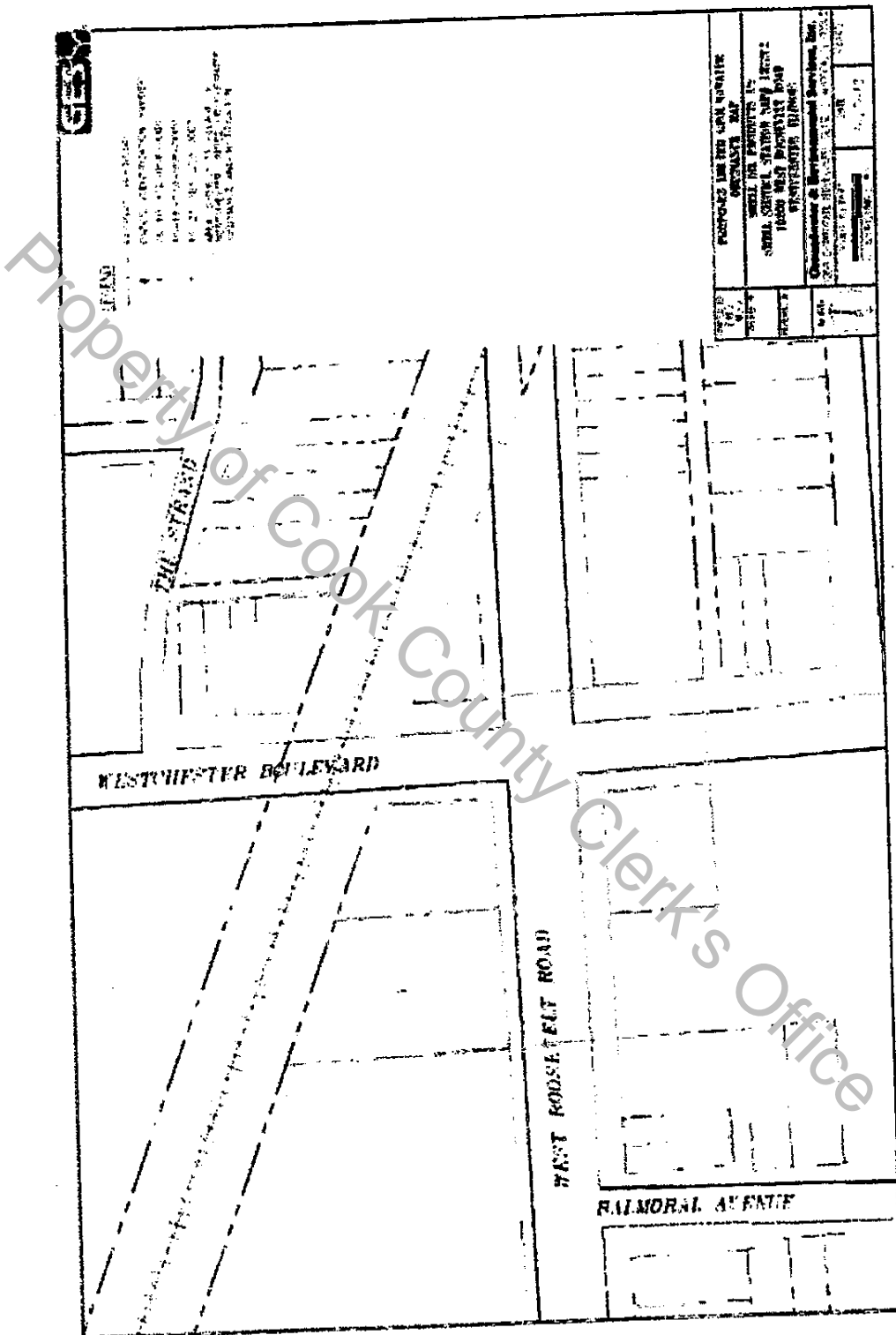
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EXHIBIT "B"
Depiction of Property

Property of Cook County Clerk's Office

A large, stylized handwritten signature in black ink is written over the diagonal watermark text. The signature appears to be 'M. J. [unclear]'.

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Exhibit A

Legal Description

97

CC#137202

PARCEL 1:

LOT 1 IN DIAMOND SUBDIVISION IN THE SOUTHWEST 1/4 OF SECTION 16 AND THE NORTHEAST 1/4 OF SECTION 21, ALL IN TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

LOTS 456, 457, 458 AND 459 IN WILLIAM ZELOSKEY'S WESTCHESTER, A SUBDIVISION OF (EXCEPT RAILROAD LAND SOUTH OF CHICAGO WESTCHESTER AND WESTERN RAILROAD AND CHICAGO MADISON AND NORTHERN RAILROAD) LOTS 12 AND 13 IN SCHOOL TRUSTEES SUBDIVISION OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

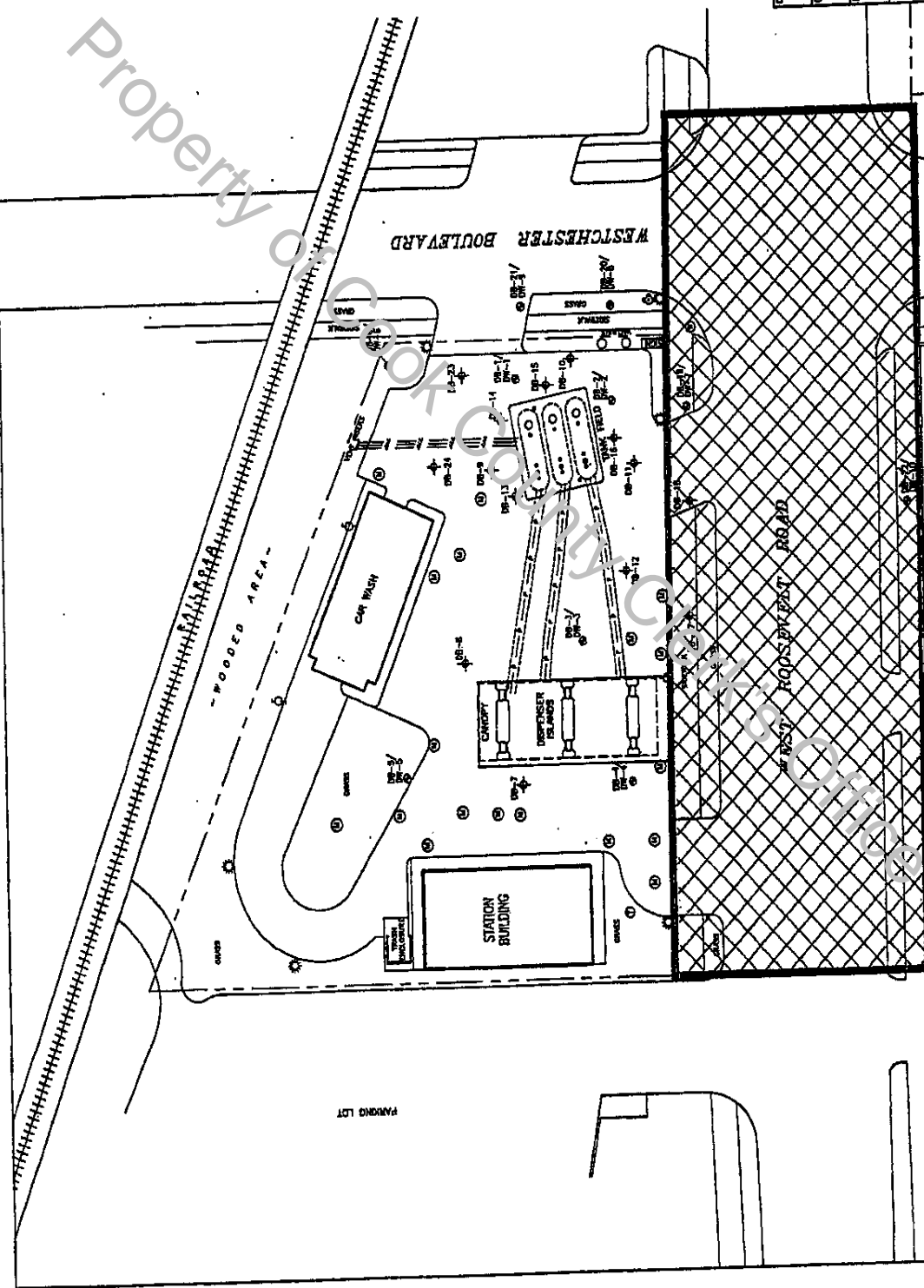
Tax Parcel ID No(s). 15-16-310-064-0000; and 15-16-310-068-0000
Address: 10200 West Roosevelt Road, Westchester, IL 60154-2519
137202/6752

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LEGEND

- PROPERTY BOUNDARY
- LIGHT POLE
- ⊙ UTILITY MANHOLE
- ⊙ UTILITY POLE
- PRODUCT PIPING
- VENT LINE
- ⊙ MONITORING WELL
- ⊙ SOIL BORING
- ⊙ AREA SUBJECT TO ILLINOIS DEPARTMENT OF TRANSPORTATION HIGHWAY AUTHORITY AGREEMENT



PROPOSED BY: E.M.E. (M.L.L.)	PROPOSED HIGHWAY AUTHORITY AGREEMENT MAP
CHECKED BY:	SHELL OIL PRODUCTS US
REVISIONS BY:	SHELL SERVICE STATION S/NP# 137202
	10200 WEST ROOSEVELT ROAD
	WESTCHESTER, ILLINOIS
	Groundwater & Environmental Services, Inc.
	1000 CORPORATE BOULEVARD, SUITE C, AURORA, IL 60505
NORTH	SCALE IN FEET
1	0 APPROXIMATE 40
	DATE
	3-27-12
	FIGURE
	3

SHAW-WALKER COMPANY
 SHELL OIL COMPANY
 PLOT PLAN
 OCTOBER 26, 1983



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1314144035 Page: 11 of 16
2021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829

PAT QUINN, GOVERNOR

LISA BONNETT, DIRECTOR

217/524-3300

CERTIFIED MAIL

7011 1150 0001 0861 8264

APR 15 2013

RECEIVED APR 18 2013



COPY

Shell Oil Products US
Attn: John Robbins.
20945 S. Wilmington Avenue
Carson CA 90810

Re: LPC # 0313155005 -- Cook County
Westchester/Shell #137202
10200 West Roosevelt Road
Leaking UST Incident No. 20081099
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 February 12, 2013 and was received by the Illinois EPA on February 19, 2013. 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 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.

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 Mail 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 10-300, Chicago, IL 60601 (312)814-6026

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Page 2

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. There are no land use limitations. It has been demonstrated that the

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Page 3

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 10200 West Roosevelt Road. Specifically, as shown on the attached map, contamination will remain in the right-of-way for West Roosevelt Road including the intersection of Westchester Boulevard as indicated in the Highway Authority Agreement # 1416. 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

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Page 4

Groundwater Use Ordinance

Ordinance Ordinance 2012-1972 adopted by the Village of Westchester 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 Village of Westchester 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

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Page 5

- 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.
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;

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Page 6

- 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

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Lizz Schwartzkopf, at 217/557-8763.

Sincerely,



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

HAC:LS

Attachments: Leaking Underground Storage Tank Environmental Notice
 Groundwater Use Ordinance
 Legal Property Description
 Highway Authority Agreement Map

c: GES
 BOL File