

WINGS ENVIRONMENTAL PROPERTION AGENCY

1021 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

7012 0470 0001 2999 5514

Karen A. Yarbrough

Doc#: 1404219056 Fee: \$66.00

RHSP Fee:\$9.00 RPRF Fee: \$1.00

Cook County Recorder of Deeds Date: 02/11/2014 10:22 AM Pg: 1 of 15

Revised: JAN 2 1 2014

Originally Issued: December 17, 2009

Speedway SuperAmerica LLC Attention: Mr. Toby A. Rickabaugh P.O. Box 1500 Springfield, O'no 45501

Re: LPC # 0310455107 - Cook County

Chicago Height: / Speedway SuperAmerica

1719 Western Ave.

Leaking UST Incident Nos. 900973 & 20020451 -- NFR Letter

Leaking UST Technical File

Dear Mr. Rickabaugh:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report submitted for the above-reterenced incident. This information is dated November 18, 2009 and was received by the Illinois EPA on November 23, 2009. Citations in this letter are from 35 Illinois Administrative Code (35 Id. Adm. Code). This letter is being revised to correct the PIN on the attached Leaking Underground Storage Tank Environmental Notice.

The Corrective Action Completion Report and the Professional Engineer Certification submitted pursuant to 35 Ill. Adm. Code 731 and 35 Ill. Adm. Code 732.300(b) and 732.409(b) indicate the remediation objectives set forth in 35 Ill. Adm. Code 732.408 have been met.

Based upon the certification by William E. Schaefer, a Licensed Professional Engineer, and based upon other information in the Illinois EPA's possession, 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. This Letter shall apply in favor of the following parties:

1. Speedway SuperAmerica LLC, the owner or operator of the underground storage tank system(s).

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

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- 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 transfered 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 Illine is 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 have been established in accordance with an industrial/commercial land use limitation. 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

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requirements of the Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) rules.

- 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: The land use shall be industrial/commercial. It has been demonstrated that the groundwater under the site recets 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 li nitation 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 Rem sharion Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

PREVENTIVE, ENGINEERING, AND INSTITUTIONAL CONTROLS

4. Preventive:

Prior to commencement of any future excavation and/or construction in or near the contaminated zone of the remediation site, a safety plan for this remediation site is required that is consistent with National Institute for Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities; Occupational Safety and Health Administration regulations, particularly in 29 CFR 1910 and 1926, state and local regulations; and other U.S. EPA guidance as provided. At a minimum, the plan should address possible worker exposure if any future excavation and construction activities occur within the contaminated soil.

Engineering:

A concrete/asphalt barrier that is sufficient in thickness to inhibit the inhalation and ingestion of the contaminated media must remain over the contaminated soil as outlined in the attached Site Base Map. This concrete/asphalt barrier is to be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media.

Institutional:

This Letter shall be recorded as a permanent part of the chain of title for the above-referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter.

Groundwater Use Ordinance

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Ordinance No. 04-70 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:

Each affected or potentially affected (as shown through contaminant modeling) property owner and the City of Chicago Heights 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:

- The name and address of the unit of local government;
- b. The citation of the ordinance used as an institutional control in this Lette;
- c. A description of the property being sent notice by adequate legal description or by reference to a plat showing the boundaries;
- d. A statement that the ordinance restricting the groundwater use was used by the Illinois EPA in reviewing a request for groundwater remediation objectives;
- e. A statement as to the nature of the release and response action with the name, address, and Illinois EPA my entory identification number; and
- f. 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.

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As a part of its corrective action, the leaking underground storage tank site has relied upon Ordinance No. 04-70 that prohibits potable uses of groundwater as defined therein.

5. Failure to establish, operate, and maintain controls in full compliance with the Act, applicable regulations, and the approved Corrective Action Plan may, if applicable, result in voidance of this Letter.

OTHER TERMS

- 6. Any contaminated soil or groundwater removed or excavated from, or disturbed at, the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, must be handled in accordance with all applicable laws and regulations under 35 Ill. Adm. Code Subtitle G.
- 7. Further information regarding the above-referenced site can be obtained through a written request under the Freedom of information Act (5 ILCS 140) to:

Illinois Environmental Procection 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. Should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the owner or operator of the leaking underground storage tank(3) 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 I etter include, but shall not be limited to:
 - 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;

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- 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 rur her assistance, please contact the Illinois EPA project manager, Clayton Bloome, at 217/524-1288.

Sincerely,

Michael T. Lowder

Unit Manager

Leaking Underground Storage Tank Section

Division of Remediation Management

Bureau of Land

MTL:CTB\

County Clert's Office Attachments: Leaking Underground Storage Tank Environmental Notice

Site Map

Legal Description

Groundwater Ordinance

c: Michael Kerlin, Practical Environmental Consultants, Inc.

BOL File

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PREPARED BY:

Name:

Speedway SuperAmerica LLC

Address:

1719 Western Ave.

Chicago Heights, Illinois 60411

RETURN TO:

Name:

Speedway SuperAmerica LLC

Address: P.C. Box 1500

Springfield, Ohio 45501

(THE ABOVE SPACE FOR RECORDER'S OFFICE)

LEAKING UNDEKSROUND STORAGE TANK ENVIRONMENTAL NOTICE

THE OWNER AND/OR OPERATOR OF THE LEAKING UNDERGROUND STORAGE TANK SYSTEM(S) ASSOCIATED WITH THE RELEASE REFE'KE NCED 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 REMI DIATION 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.: 0310455107

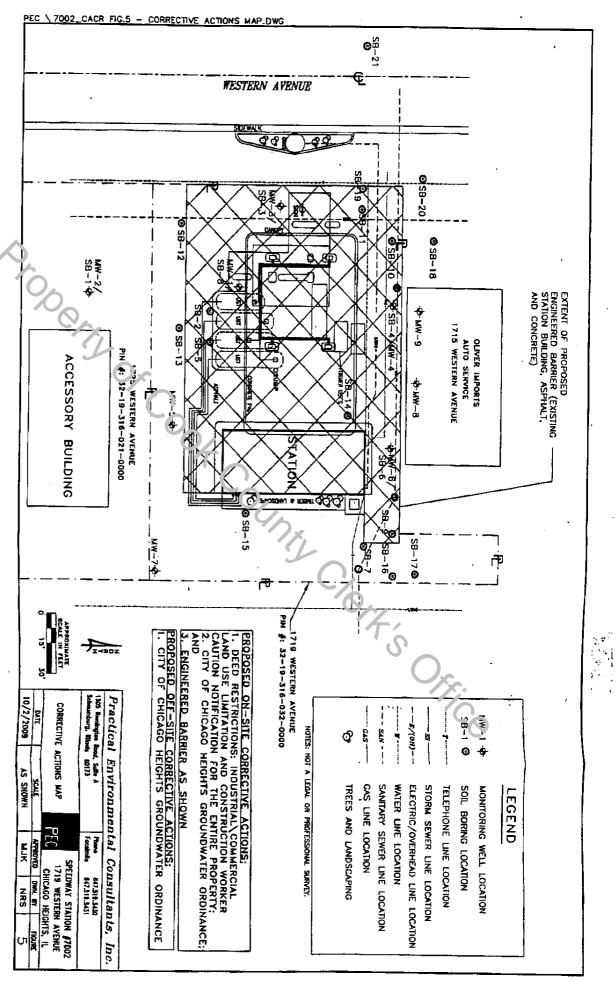
Leaking UST Incident No.: 900973 & 20020452

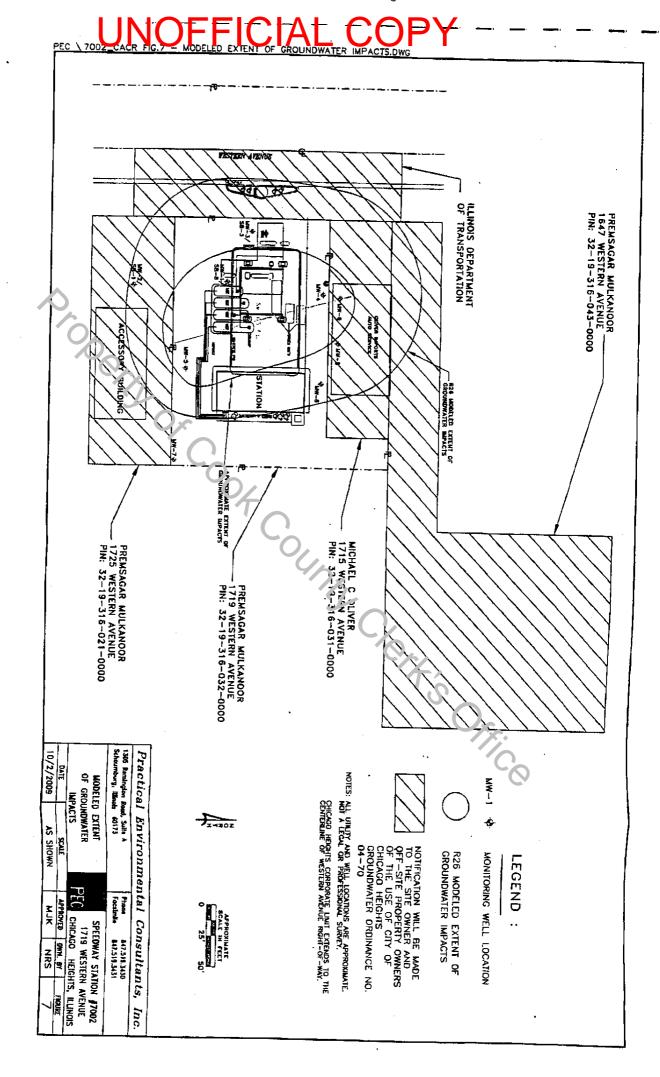
Speedway SuperAmerica LLC, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is P.O. Box 1500, Springfield, Ohio, has performed investigative and/or remedial activities for the site identified as follows and depicted on the attached Site Base Map:

- 1. Legal Description or Reference to a Plat Showing the Boundaries: Attached
- Common Address: 1719 Western Ave., Chicago Heights, Illinois 2.
- Real Estate Tax Index/Parcel Index Number: 32-29-316-021-0000 & 32-19-316-032-0000 3.
- 4. Site Owner: Premsagar Mulkanoor
- 5. Land Use Limitation: The land use shall be industrial/commercial.
- See the attached No Further Remediation Letter for other terms. 6.

CTB

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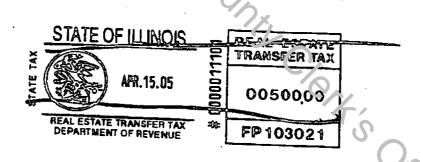
EXHIBIT A (Legal Description)

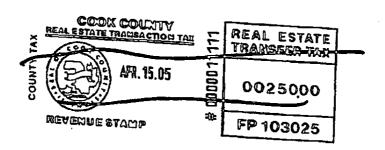
.PIN:32-19-316-032-0000

Commonly known as: 1719 Western, Chicago Heights, IL 60411

PARCEL A: THAT PART OF THE NORTH 102.50 FEET LYING SOUTH OF A LINE 282.50 FEET NOWTH OF AND PARALLEL TO THE NORTH RIGHT OF WAY OF THE JOLIET BRANCH OF THE MICHIGAN CENTRAL RAILROAD AND PART OF THE EAST 200.00 FEET OF THE WEST 250.00 FEET OF THAT PART OF THE SOUTH WEST 1/4 OF THE SOUTH WEST 1/4 OF SECTION 19, TOWNSHIP 35 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL WERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL B: THE NORTH 50 FEET OF THE SOUTH 332.50 FEET OF THE EAST 25 FEET OF THE WEST 250 FEET OF THE PART OF THE SOUTH WEST 1/4 OF THE SOUTH WEST 1/4 OF SECTION 19, TOVNEHIP 35 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF THE JOLIET BRANCH OF THE MICHIGAN CENTRAL RAILROAD AS LOCATED THROUGH SAID SECTION 19, ALL IN COOK COUNTY ILLINOIS.





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EXHIBIT A

LEGAL DESCRIPTION

The entire portion of the vacated Hickory Street as identified and described on the "Plat of Vacation of Hickory Street" recorded with the Cook County Recorder of Deeds on October 28, 2005, as document number 0530103021, said vacated street oring legally described on said Plat, as follows:

"Latrin of land 66.00 feet in width lying 33.00 feet on each side of a centerline which is 147.00 feet North of and parallel with the North right of way line of the Michigan Cartal Railroad and that is 200 feet in length which extends from the East Line of the Mest 50 feet to the East line of the West 250.00 feet of the Southwest Quarter of Section 19, Township 35 North, Range 14 East of the Third Principal Meridian, in Cook Canty Illinois"

Permanent Index Numbers (PINS): That part of 32-19-316-021-0000 and that part of 32-19-316-032-0000

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ORDINANCE No. 04-70

AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BE ANY OTHER METHOD

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

groundwater bereath 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 residential remediation objectives as set forth in 35 Illinois Administrative Code 742; and,

WHEREAS, the City of Chi ago Heights desires to limit potential threats to human health from groundwater contamination while ticilitating the redevelopment and productive use of properties that are the source of said chemical constituents.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Chicago Heights, Cook County, Illinois, as follows:

Chapter 43 of the Code of Ordinances of the City of Chicago Heights, Cook County, Illinois, is hereby amended by adding the following new Division:

"Section One. Division 3. Groundwater Bids.

Sec. 43-90. Groundwater as a potable water supply prohibited.

The use or attempt to use as a potable water supply groundwater from within the corporate limits of the City of Chicago Heights by the installation or drilling of wells or by any other method is hereby prohibited.

Sec. 43-91. Definitions.

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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 Two. The Code of Ordinances of the City of Chicago Heights is hereby amended by repealing Chapter 141/2 in its entirety.

Section Taree.

- (a) All ordinance or parts of ordinances in conflict with this Ordinance are hereby repealed in ofar as they are in conflict with this Ordinance.
- If any provision of this Ordinance or its application to any person or under any (b) circumstances is adjuaged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

Section Four. This Ordinance shall be in full force and effect from and after its passage. approval and publication as provided by law.

PASSED this 28 day of	October 3014.
AYES: 5	0/4/
NAYS: O	'5
ABSENT:	
	APPROVED:
•	Anthony to De Liera

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STATE OF ILLINOIS)
COUNTY OF COOK) SS
)

I, Ethel M. Taylor, duly appointed and acting City Clerk of the City of Chicago Heights, Illinois and as such the keeper of the records of the City Council of the City of Chicago Heights, Illinois do hereby certify that the attached copy of

ORDINANCE NO. 04-70

is a true and correct copy of the original now co file at City Hall, 1601 Chicago Road, Chicago Heights, Illinois.

In witness whereof, I have signed my name and affixed the seal of the City of Chicago Heights, Illinois this 21ST day of OCTOBER 2004

Ethel M. Taylor, City Clerk

(Seal)

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ILILINAIS 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 I etter 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 EFA 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 fixed in accordance with Illinois law so that it forms a permanent part of the chain of title to easure 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.