

# UNOFFICIAL COPY

PREPARED BY:

Name: David Nye  
True North Energy, LLC

Address: 10346 Brecksville Road  
Brecksville, OH 44141



RETURN TO:

Name: David Nye  
True North Energy, LLC

Address: 6346 North Clark Street  
Chicago, IL 60626

Doc#: 1414844025 Fee: \$110.0  
RHSP Fee: \$9.00 RPRF Fee: \$1.00  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 05/28/2014 11:39 AM Pg: 1 of 37

(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.: 0316015032

Leaking UST Incident No.: 20120450

True North Energy, LLC, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 10346 Brecksville Road, Brecksville, Ohio, has performed investigative and/or remedial activities for the site identified as and depicted on the attached Site Base Map:

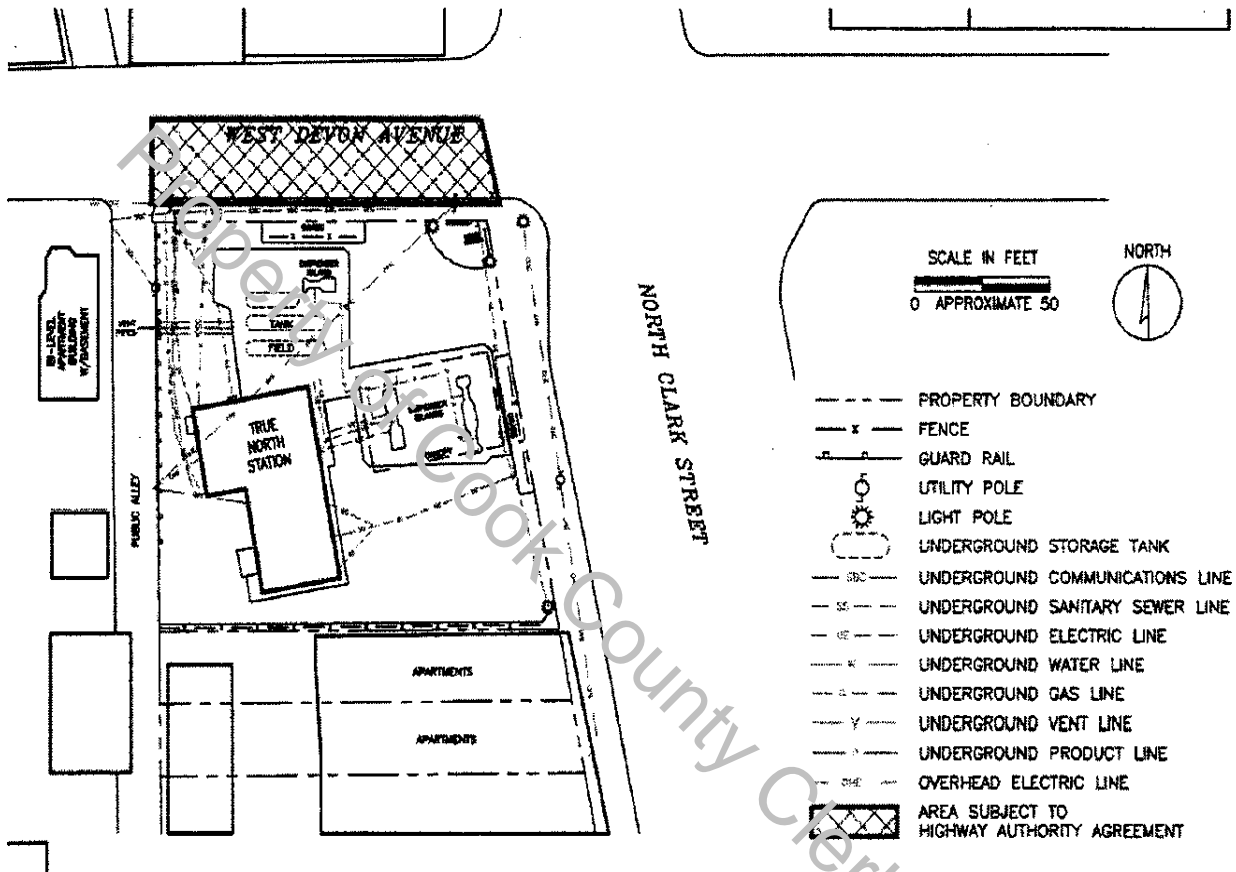
1. Legal Description or Reference to a Plat Showing the Boundaries:  
PARCEL 1: LOTS 1, 2 AND 3 IN BLOCK 1 IN COLUMBIAN LAND ASSOCIATION ADDITION TO HIGH RIDGE IN THE NORTHEAST ¼ OF SECTION 6, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.  
  
PARCEL 2: LOTS 4 AND 5 IN BLOCK 1 IN COLUMBIAN LAND ASSOCIATION ADDITION TO HIGH RIDGE IN THE NORTHEAST ¼ OF SECTION 6, TOWNSHIP 40 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.
2. Common Address: 6346 North Clark Street, Chicago, Illinois
3. Real Estate Tax Index/Parcel Index Number: 14-06-204-012, 14-06-204-016
4. Site Owner: True North Energy, LLC
5. Land Use Limitation: The land use shall be industrial/commercial. The groundwater under the site shall not be used as a potable water supply.
6. See the attached No Further Remediation Letter for other terms.

SJ True North #1907 (LUST 20120450) CACR 5-01-14.doc

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

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Site Base Map  
LPC # 0316015032 – Cook County



SJ\True North #1907 (LUST 20120450) CACR 5-01-14.doc

Approved by Cook County Clerk's Office

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The following is said ordinance as passed:

*Be It Ordained by the City Council of the City of Chicago:*

SECTION 1. Chapter 11-8 of the Municipal Code of Chicago is hereby amended by adding a new Section 11-8-385 and by amending Section 11-8-390 by inserting the language in italics, as follows:

*11-8-385 Potable Water Defined.*

*Potable water is any water used for human consumption, including, but not limited to water used for drinking, bathing, washing dishes, preparing foods and watering gardens in which produce intended for human consumption is grown.*

*11-8-390 Prohibited Use Of Secondary Water; Prohibited Installation Of New Potable Water Supply Wells.*

No secondary water shall overflow into or be discharged into any surge tank, storage tank, or reservoir, or shall in any way be piped or conveyed into the water supply system of any building, structure, or premises to become a part of or be mixed with the fresh water supply from the mains of the Chicago Waterworks System either inside of the premises or in the water service pipe. Secondary water shall not be piped to or used in any plumbing fixture, or for cooling crushers, rollers, or mixers where foods, candies, liquids or materials are manufactured for human or animal consumption. No connection, tap, or opening shall be made in a water distribution system other than an approved water distribution system which will permit such water being used for drinking

Wherever the fire-protective equipment in any building, structure or premises has service from the Chicago Waterworks System, no pipe or other conduit which conveys secondary water shall be cross-connected to the fire-protective equipment. All fire-protective equipment connected to the Chicago Waterworks System shall be constructed in such manner that

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all tanks, pipes, pumps, surge tanks, and fire hydrants can be thoroughly drained, flushed and cleaned by the owners of such equipment and premises and there shall be no direct connections from the tanks, pipes and other equipment to any drainage pipes or sewers. *No groundwater well, cistern or other groundwater collection device installed after the effective date of this amendatory ordinance may be used to supply any potable water supply system, except at points of withdrawal by the City of Chicago or by units of local government pursuant to intergovernmental agreement with the City of Chicago.*

SECTION 2. Section 2-30-030 of the Municipal Code of Chicago is hereby amended by deleting the language in brackets and inserting the language in italics, as follows:

2-30-030 Commissioner -- Powers And Duties Designated.

The commissioner of the environment shall have the following powers and duties:

\* \* \* \* \*

(21) To enter into grant agreements, cooperation agreements and other agreements or contracts with governmental entities, private business and civic and community groups necessary to implement the Green Streets Program and other urban forestry, beautification and environmental enhancement programs; *and agreements to implement the State of Illinois Site Remediation Program;*

SECTION 3. This ordinance shall be in full force and effect from and after its passage and approval.

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STATE OF ILLINOIS, }  
County of Cook. } ss.

I, JAMES J. LASKI, City Clerk of the City of Chicago in the County of Cook and State of Illinois, DO HEREBY CERTIFY that the annexed and foregoing is a true and correct copy of that certain ordinance now on file in my office...amending...Title 11, Chapter 8 and Title 2, Chapter 30 of Municipal Code of Chicago by establishing the definition and regulation of the potable water supply system and Empowerment of Commissioner of Environment for Implementation of State of Illinois Site Remediation Program

I DO FURTHER CERTIFY that the said ordinance was passed by the City Council of the said City of Chicago on the fourteenth (14th) day of May, A.D. 1997 and deposited in my office on the fourteenth (14th) day of May, A.D. 1997.

I DO FURTHER CERTIFY that the vote on the question of the passage of the said ordinance by the said City Council was taken by yeas and nays and recorded in the Journal of the Proceedings of the said City Council, and that the result of said vote so taken was as follows, to wit: Yeas 47, Nays none.

I DO FURTHER CERTIFY that the said ordinance was delivered to the Mayor of the said City of Chicago after the passage thereof by the said City Council, without delay, by the City Clerk of the said City of Chicago, and that the said Mayor did approve and sign the said ordinance on the fourteenth (14th) day of May, A.D. 1997

I DO FURTHER CERTIFY that the original, of which the foregoing is a true copy, is entrusted to my care for safe keeping, and that I am the lawful keeper of the same.

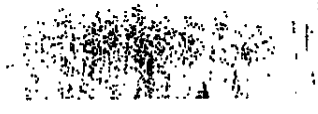
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Chicago aforesaid, at the said City, in the

(L.S.) County and State aforesaid, this third (3rd) day of February, A.D. 1998

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*James J. Laski*  
JAMES J. LASKI, City Clerk

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July 1, 1997

City of Chicago  
Richard M. Daley, Mayor

Department of Environment

Henry L. Henderson  
Commissioner

Twenty-fifth Floor  
30 North LaSalle Street  
Chicago, Illinois 60602-2575

(312) 744-7606 (Voice)

(312) 744-6431 (FAX)

(312) 744-3586 (TTY)

<http://www.ci.chi.il.us>

Mr. Gary P. King  
Manager, Division of Remediation Management  
Bureau of Land  
Illinois Environmental Protection Agency  
1001 N. Grand Avenue, East  
Springfield, IL 62702

Re: Chicago Ordinance No. 097990

Dear Mr. King:

Pursuant to 35 Ill. Adm. Code 742.1015(l)(2), Section 11-8-385 and 11-8-390 of the Municipal Code of Chicago, as amended by Ordinance No. 097990, apply to all areas within the corporate limits of the City of Chicago.

Sincerely,



Henry L. Henderson  
Commissioner

cc: Mort Ames  
Asst. Corp. Counsel



Please Recycle!



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 12276, 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

**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

LISA BONNETT, DIRECTOR

217/524-3300

**CERTIFIED MAIL****MAY 15 2014****7012 0470 0001 3001 4693**

True North Energy, LLC  
 Attn: David Nye  
 10346 Brecksville Road  
 Brecksville, OH 44141

Re: LPC # 0316015032 – Cook County  
 Chicago/True North LLC (Store #1907)  
 6346 North Clark Street  
 Leaking UST Incident No. 20120450 – NFR Letter  
 Leaking UST Technical File

Dear Mr. Nye:

The Illinois Environmental Protection Agency (EPA) has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information was dated May 1, 2014 and was received by the Illinois EPA on May 5, 2014. 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 Professional Engineer Certification submitted pursuant to Section 57.7(b)(5) of the Act 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. True North Energy, LLC, 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 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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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 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 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: The land use shall be industrial/commercial. The groundwater under the site shall not be used as a potable water supply.

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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:** Prior to commencement of any future excavation and/or construction in or near the contaminated zone of the remediation site, a safety plan for this remediation site is required that is consistent with the National Institute for Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities; Occupational Safety and Health Administration regulations, particularly in 29 CFR 1910 and 1926; state and local regulations; and other United States 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.

The groundwater under the site described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter shall not be used as a potable supply of water. No person shall construct, install, maintain, or utilize a potable water supply well. In accordance with Section 3.65 of the Act, "potable" means generally fit for human consumption in accordance with accepted water supply principles and practices.

**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

The City of Chicago agrees, through the use of a Highway Authority Agreement, to allow contaminated groundwater and/or soils to remain beneath its highway right-of-way adjacent to the site located at 6346 North Clark Street, Chicago, Illinois. Specifically, as shown on the attached map, contamination will remain in the right-of-way for West Devon Avenue as indicated in the Highway Authority Agreement.

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:

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City of Chicago  
Raul Valdivia, Chief Engineer, Storage Tank Section  
30 North LaSalle St., Suite 2500  
Chicago, IL 60602

## Groundwater Use Ordinance

Section 11-8-390 of the Municipal Code of Chicago 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 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:

- a. The name and address of the unit of local government;
- b. The citation of the ordinance used as an institutional control in this Letter;
- 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 inventory 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 reference 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 Section 11-8-390 of the Municipal Code of Chicago 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, if applicable, may result in avoidance 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 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 to the owner or operator of the leaking underground storage tank system(s) associated with the above-referenced incident and the current title holder of the real estate on which the tanks were located, at their last known addresses. The notice shall specify the cause for the avoidance, explain the provisions for appeal, and describe the facts in support of the avoidance. Specific acts or omissions that may result in the avoidance of this Letter include, but shall not be limited to:
  - a. Any violation of institutional controls or industrial/commercial land use restrictions;
  - b. The failure to operate and maintain preventive or engineering controls or to comply with any applicable groundwater monitoring plan;
  - c. The disturbance or removal of contamination that has been left in-place in accordance with the Corrective Action Plan or Completion Report;
  - d. The failure to comply with the recording requirements for the Letter;
  - e. Obtaining the Letter by fraud or misrepresentation; or
  - 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.

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

Sincerely,



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

TAH:SM True North #1907 (LUST 20120450) CACR 5-01-14.doc

Attachments: Leaking Underground Storage Tank Environmental Notice  
Site Base Map  
Chicago Municipal Code Section 11-8-390

c: GES  
BOL File

Property of Cook County Clerk's Office

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**DEPARTMENT OF PUBLIC HEALTH  
CITY OF CHICAGO**

January 10, 2014

RECEIVED JAN 23 2014

Timothy Marks  
Project Engineer  
Groundwater & Environmental Services, Inc.  
1050 Corporate Boulevard, Suite C  
Aurora, IL 60505

Re: Executed Highway Authority Agreement  
True North Service Station # 1907  
6346 North Clark Street  
Chicago, Illinois.  
LUST Incident #: 20120450

Dear Mr. Marks:

Accompanying this letter you will find the subject Highway Authority Agreement. Please forward a copy of the No Further Action Letter issued by the Illinois Environmental Protection Agency for the site to my attention upon receipt.

The Owner/Operator must record the Highway Authority Agreement with the Cook County Recorder of Deeds. Within thirty (30) days of this recording, the Owner/Operator must provide the Department of Public Health a copy of the Agreement that has been stamped to indicate that it has been recorded. This should be sent to my attention.

If you have any questions, please call me at (312) 745-3162.

Sincerely,

A handwritten signature in black ink that reads "Raul Valdivia".

Raul Valdivia, Ph. D.  
Chief Engineer, UST/LUST Section

cc: Dave Graham, CDPH  
Michael Simon, Mark Delin - CDOT  
Basil Rhymes - Sewers

RV/P&I/rv

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Site PIN #14-06-204-012-0000 &  
14-06-204-016-0000

## TIERED APPROACH TO CORRECTIVE ACTION SUPPLEMENTAL RIGHT-OF-WAY AGREEMENT

This Agreement is entered into this 10<sup>th</sup> day of January, 2014, pursuant to the Municipal Code of the City of Chicago Section 2-30-030 ("Code") by and among True North Energy, LLC ("Owner/Operator"), and the City of Chicago ("City"), as follows:

WHEREAS, Owner/Operator is pursuing corrective action at a site and in the right-of-way adjacent to the site located at 6346 North Clark Street, Chicago, Illinois ("Site") and legally described in Attachment A; and

WHEREAS, attached as Attachment B is a site map showing the known and probable area(s) of contaminant impacted soil and groundwater in the right-of-way where, at the time of this Agreement, contaminants exceed the Tier 1 residential remediation objectives under 35 Ill. Admin. Code Section 742; and

WHEREAS, also attached as Attachment C is a table showing the concentration of contaminants in soil and/or groundwater within the area described in Attachment B and showing the applicable Tier 1 soil and groundwater remediation objectives for residential property that are exceeded; and

WHEREAS, under 35 Ill. Admin. Code 742.1020, the use of risk-based, site-specific remediation objectives in the right-of-way require entry of the City into a Highway Authority Agreement Memorandum of Agreement ("Highway Authority Agreement"), in lieu of active remediation of the contaminant-impacted soil and/or groundwater; and

WHEREAS, the Owner/Operator has requested that the City enter into a Highway Authority Agreement in the form prescribed by the Illinois Environmental Protection Agency, set forth in Attachment D; and

WHEREAS, the City, as a condition of entering into the Highway Authority Agreement, requires certain covenants on the part of the Owner/Operator in exchange for its agreement to execute that form;

NOW, THEREFORE, the parties agree as follows:

1. The City agrees that it will prohibit by ordinance the use of groundwater as required by Paragraph 8 of the Highway Authority Agreement. This prohibition is ensured in Code Section 11-8-390. The City further agrees that it will limit access to soil as required by Paragraph 9 of the Highway Authority Agreement. This prohibition is ensured through operation of Code Section 10-20-100 et seq., and by requiring applicants for a public way work permit in the right-of-way described in Attachment B to consult the City and complete Form No.

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DOE.ROW.01 (or successor document), Attachment E, before obtaining a permit.

a. Where the pavement in the right-of-way is to be considered an engineered barrier, the Owner/Operator agrees to reimburse the City for maintenance activities requested by Owner/Operator. Except for ordinary maintenance performed on City roadways, the City does not agree to maintain the right-of-way, nor does it guarantee that the right-of-way will continue as a roadway or that the right-of-way will always be maintained as an engineered barrier.

b. This agreement does not in any way limit the City's authority to construct, reconstruct, repair or maintain and operate a right-of-way upon the property identified in the Highway Authority Agreement or to allow others to do the same. To that extent, the City reserves the right to identify, investigate, and remove contaminated soil and/or groundwater above Tier 1 residential remediation objectives from the right-of-way identified in the Highway Authority Agreement and to dispose of them as it deems appropriate in accordance with applicable environmental regulations so as to avoid causing a further release of the contaminants and to protect human health and the environment. The Owner/Operator shall reimburse the actual costs incurred by the City or others in so identifying, investigating, removing, storing, handling or disposing of contaminated soil and/or groundwater, and it shall not be a defense for Owner/Operator that those costs were not consistent with or required by Illinois Pollution Control Board or United States Environmental Protection Agency regulations, guidelines or policies. Prior to incurring any such costs, and unless there is an urgent reason otherwise, the City shall first give Owner/Operator thirty days notice and an opportunity to remove or dispose of contaminated soil and/or groundwater, at Owner/Operator's cost, to the extent necessary for the City's work. Such removal and disposal shall be in accordance with all applicable laws and regulations. Failure to give this opportunity to Owner/Operator shall not be a defense to a claim for reimbursement or that the work should not have been done. There is a rebuttable presumption that the contamination found in the right-of-way described in Attachment B arose from the release of contaminants at the Site. Should Owner/Operator not reimburse the costs identified here, this Agreement shall be null and void in addition to such other remedies as may be available to the City by law, and the City shall void the Highway Authority Agreement.

2. The Owner/Operator agrees to indemnify and hold harmless the City, its agents and employees, and other entities using the right-of-way by a permit issued by the City, for all obligations asserted against or costs incurred by them associated with the release of contaminants of concern as described in Attachment C.



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3. Violation of the terms of this Agreement by Owner/Operator, or its successor(s) in interest, may be grounds for avoidance of this Agreement, and avoidance by the City of the Highway Authority Agreement.
4. No violation of a permit by a third party shall constitute a breach of this Agreement by the City. Owner/Operator also agrees that its personnel, if any, at the Site will exercise due diligence in notifying those accessing contaminated soil in the right-of-way of their rights and responsibilities under this Agreement.
5. Should the City breach this Agreement, Owner/Operator's sole remedy is for an action for damages in the Circuit Court of Cook County. Any and all claims for damages against the City, its agents, contractors, employees or its successors in interest or others under permit from the City arising at any time are limited to an aggregate maximum of \$20,000.00. No other breach by the City, its successors in interest or others under permit, of a provision of this Agreement is actionable in either law or equity by Owner/Operator against the City or them and Owner/Operator hereby releases the City, its agents, contractors, employees and its successors in interest, or others under permit from the City for any cause of action it may have against them, other than as allowed in this paragraph, arising under this Agreement or environmental laws, regulations or common law governing the contaminated soil or groundwater in the right-of-way. Should the City convey, vacate or transfer jurisdiction of that right-of-way, Owner/Operator may pursue an action under this Agreement against the successors in interest, other than the City, or any of its departments, or State agency, in a court of law.
6. This Agreement (including attachments, addendums, and amendments) shall run with the land and be binding upon all assigns and successors in interest to the Owner/Operator of the Site. The Owner/Operator shall cause copies of this agreement and the executed Highway Authority Agreement to be recorded in the office of the Cook County Recorder of Deeds in the chain of title for the Site within 30 days of execution.
7. This Agreement is not binding on the City until it is executed by a duly authorized representative of the City, and prior to execution, this Agreement constitutes an offer by Owner/Operator. The duly authorized representatives of Owner and Operator have signed this Agreement, and this Agreement is binding upon them, their successors and assigns.
8. Written notice and other communications relating to this agreement directed to the City shall be sent to:

Raul Valdivia, Ph.D.  
Chief Engineer, UST/LUST Section  
Department of Public Health  
33 N. LaSalle Street, Room 120  
Chicago, IL 60602

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- 9. Written notice and other communications relating to this agreement directed to Owner/Operator shall be sent to:

David P. Nye, CHMM  
 True North Energy, LLC  
 10346 Brecksville Road  
 Brecksville, OH 44141

**IN WITNESS WHEREOF**, the City of Chicago has caused this Agreement to be signed by its duly authorized representative:

BY: Raul Valdivia Date: 01/10/14  
 Raul Valdivia, PhD  
 Chief Engineer, UST/LUST Section  
 Department of Public Health

**IN WITNESS WHEREOF**, Owner, True North Energy, LLC has caused this Agreement to be signed by its duly authorized representative:

BY: [Signature] Date: 12-16-2013  
 Environmental Affairs

**IN WITNESS WHEREOF**, Operator, True North Energy, LLC has caused this Agreement to be signed by its duly authorized representative:

BY: \_\_\_\_\_ Date: \_\_\_\_\_

Revised October 26, 2006

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## Attachment A – Legal Description

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# UNOFFICIAL COPY

True North Service Station #1907  
6346 North Clark Street  
Chicago, Illinois 60626

Legal Description:

PARCEL 14-06-204-012:

LOTS 1, 2 AND 3 IN BLOCK 1 IN COLUMBIAN LAND ASSOCIATION  
ADDITION TO HIGH RIDGE IN THE NORTHEAST 1/4 OF SECTION 6,  
TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL  
MERIDIAN, IN COOK COUNTY, ILLINOIS.

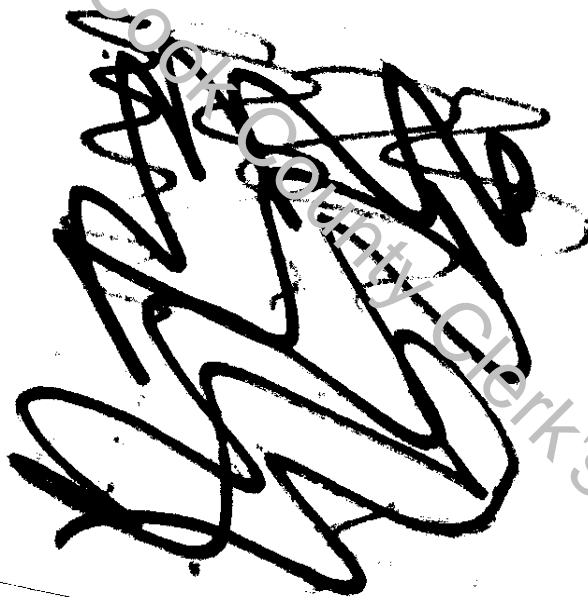
PARCEL 14-06-204-016:

LOTS 4 AND 5 IN BLOCK 1 IN COLUMBIAN LAND ASSOCIATION ADDITION  
TO HIGH RIDGE IN THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 40  
NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN.

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## Attachment B – Scaled Site Drawing



Property of Cook County Clerk's Office

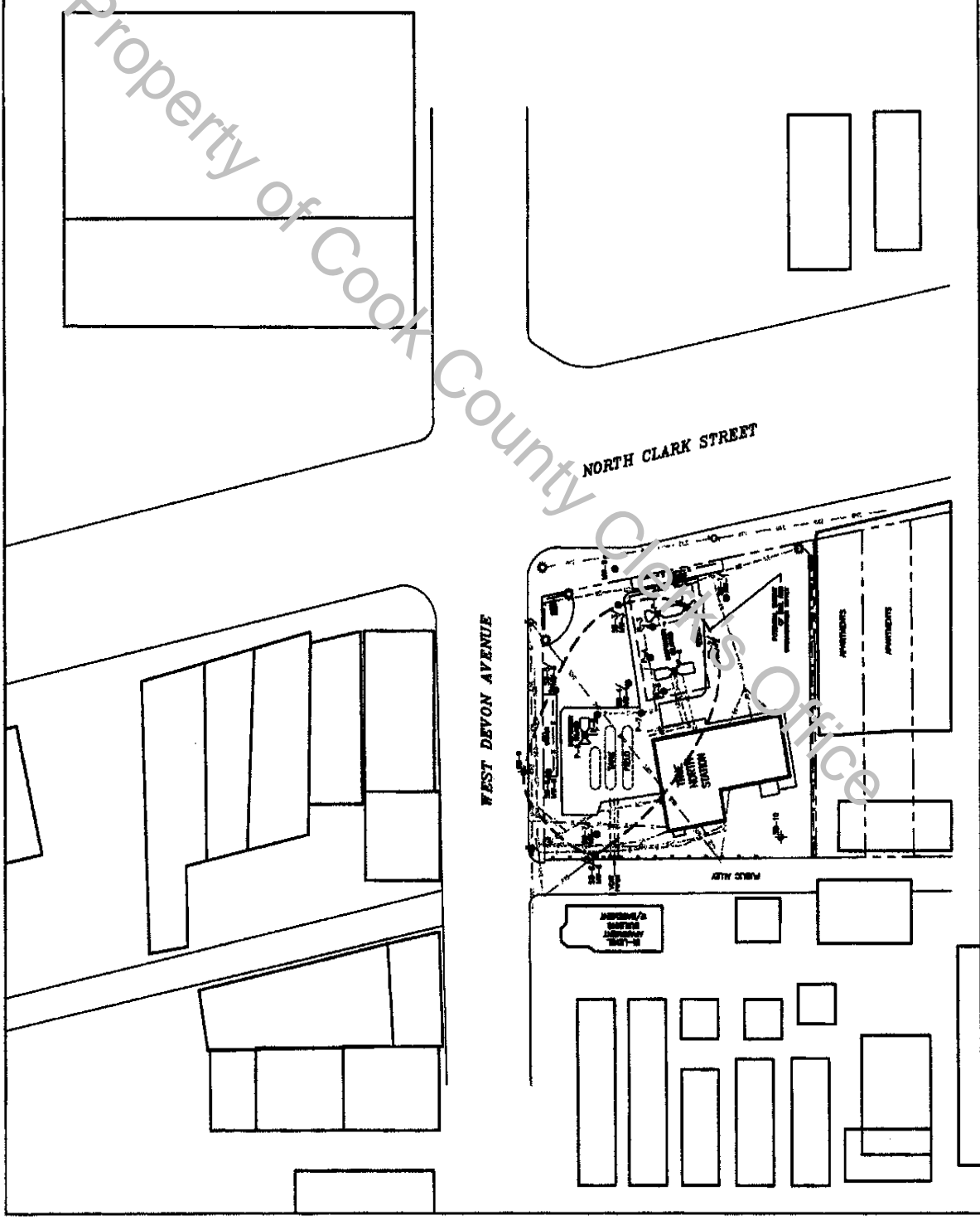
# UNOFFICIAL COPY



### LEGEND

- PROPERTY BOUNDARY
- x- FENCE
- GUARD RAIL
- UTILITY POLE
- LIGHT POLE
- UNDERGROUND STORAGE TANK
- MONITORING WELL
- UNDERGROUND COMMUNICATIONS LINE
- UNDERGROUND SANITARY SEWER LINE
- UNDERGROUND ELECTRIC LINE
- UNDERGROUND WATER LINE
- UNDERGROUND GAS LINE
- UNDERGROUND VENT LINE
- UNDERGROUND PRODUCT LINE
- OVERHEAD ELECTRIC LINE
- SOIL BORING
- SOIL SAMPLE

DRAWN BY: E.M.L. (N.J.) CHECKED BY: REVISIONS:	<b>PLUMB MAP</b>  <b>TRUE NORTH ENERGY, LLC</b> <b>TRUE NORTH SERVICE STATION #1907</b> <b>6346 NORTH CLARK STREET</b> <b>CHICAGO, ILLINOIS</b>  Groundwater & Environmental Services, Inc. 1050 CORPORATE BOULEVARD, SUITE C, AURORA, IL 60505	DATE 10-25-13  SCALE IN FEET 0 APPROXIMATE 50	FIGURE A-1
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**Exhibit B:**

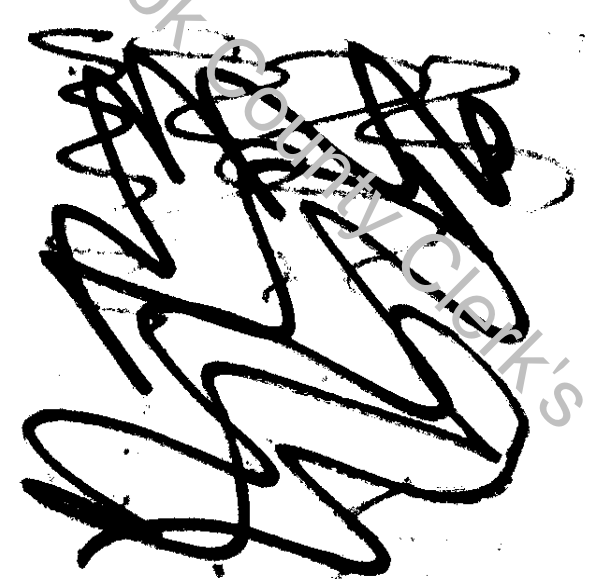
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## Attachment C – Analytical Tables

Property of Cook County Clerk's Office





## UNOFFICIAL COPY

Table 1

## SOIL ANALYTICAL DATA-BTEX/MTBE

True North #1907  
6346 North Clark Street  
Chicago, Illinois

Tier 1 Soil Remediation Objectives for Residential Properties			Benzene (mg/kg)	Toluene (mg/kg)	Ethylbenzene (mg/kg)	Xylenes (mg/kg)	MTBE (mg/kg)
Ingestion - residential			12	16,000	7,800	16,000	780
Ingestion - construction worker			2,300	410,000	20,000	41,000	2,000
Inhalation - residential			0.8	650	400	320	8,800
Inhalation - construction worker			2.2	42	58	5.6	140
Class I Soil Cleanup Objectives			0.03	12	13	150	0.32
Class II Soil Cleanup Objectives			0.17	29	19	150	0.32
Soil Boring Description	Sample Date	Depth (feet)	Benzene (mg/kg)	Toluene (mg/kg)	Ethylbenzene (mg/kg)	Xylenes (mg/kg)	MTBE (mg/kg)
P-1	05/09/12	3	<0.012	0.13	0.027	0.2	<0.099
P-2	05/09/12	4	<0.014	<0.014	<0.014	<0.029	<0.12
P-3	05/09/12	3	<b>0.092</b>	0.26	0.13	0.81	<0.1
P-4	05/09/12	3	<0.012	0.03	<0.012	0.065	<0.094
P-5	05/09/12	3	<b>0.039</b>	0.093	0.017	0.48	<0.1
P-6	05/09/12	7	<b>11</b>	0.75	11	<b>32</b>	<0.12
P-7	05/10/12	4	0.014	0.067	<0.012	0.058	<0.099
P-8	05/10/12	4	<0.012	0.41	0.025	0.17	<0.1
P-9	05/10/12	6	<b>0.073</b>	0.65	0.22	1.2	0.1
SB-1/MW-1	07/24/12	2	<0.011	<0.011	<0.011	<0.021	<0.085
SB-2/MW-2	07/24/12	2	<0.012	0.078	<0.012	0.044	<0.098
SB-2/MW-2	07/24/12	6	<0.015	0.23	<0.015	0.052	<0.012
SB-3/MW-3	07/24/12	4	<0.013	0.037	0.02	0.052	<0.11
SB-3/MW-3	07/24/12	6	<0.015	<0.015	<0.015	<0.03	<0.12
SB-4/MW-4	07/24/12	4	<b>0.22</b>	0.78	0.79	1.4	<0.11
SB-4/MW-4	07/24/12	6	<b>0.19</b>	0.17	0.11	0.068	<0.11
SB-5/MW-5	07/25/12	4	0.015	0.022	<0.013	0.044	<0.11
SB-5/MW-5	07/25/12	6	<0.013	<0.013	<0.013	<0.026	<0.1
SB-6/MW-6	07/25/12	4	<0.013	<0.013	<0.013	<0.026	<0.1
SB-6/MW-6	07/25/12	6	<b>0.069</b>	0.15	<0.017	0.093	<0.13
SB-7/MW-7	07/25/12	2	<0.011	<0.011	<0.011	<0.023	<0.091
SB-7/MW-7	07/25/12	6	<b>0.054</b>	<0.014	<0.014	<0.028	<0.11
SB-8/MW-8	01/28/13	3	<0.017	<0.017	<0.017	<0.034	<0.14
SB-8/MW-8	01/28/13	8	<0.012	<0.012	<0.012	<0.023	<0.092
SB-9	01/28/13	4	<0.010	<0.010	<0.010	<0.021	<0.082
SB-9	01/28/13	6	<0.010	<0.010	<0.010	<0.021	<0.084

## NOTES:

- 1) mg/kg = milligrams per kilogram or parts per million (ppm)
- 2) <# = Not detected above analytical method detection limit
- 3) Bold = Concentration exceeds the Tier 1 Soil Remediation Objectives for Class I Groundwater

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Table 2

## GROUNDWATER ANALYTICAL DATA-BTEX/MTBE

True North #1907  
6346 North Clark Street  
Chicago, Illinois

Tier 1 Groundwater Remediation Objectives for the Groundwater Ingestion Exposure Route					Benzene (ug/L)	Toluene (ug/L)	Ethylbenzene (ug/L)	Xylenes (ug/L)	MTBE (ug/L)
<i>Class I Groundwater Remediation Objectives</i>					5	1,000	700	10,000	70
<i>Class II Groundwater Remediation Objectives</i>					25	2,500	1,000	10,000	70
<i>Indoor Air Remediation Objectives</i>					110	530,000	370	30,000	1,900,000
Sample Location	Sample Date	Referenced Elevation	Depth to Groundwater	Groundwater Elevation					
MW-1	09/04/2012	98.15	8.91	89.24	<0.5	<0.5	<0.5	<1	<1
	07/08/2013	98.15	8.53	89.62	<0.5	<0.5	<0.5	<1	<1
MW-2	09/04/2012	98.58	9.33	89.25	<2.5	<2.5	<2.5	<5	<5
	03/08/2013	98.58	8.82	89.76	<0.5	<0.5	<0.5	<1	<1
MW-3	09/04/2012	98.13	9.46	88.67	18	1.1	<1	<2	<2
	03/08/2013	98.13	9.08	89.05	29	0.89	<0.5	<1	<1
MW-4	09/04/2012	98.47	9.50	88.99	<25	<25	<25	<50	<50
	03/08/2013	98.49	9.03	89.46	8.6	<5	<5	<10	<10
MW-5	09/04/2012	98.33	9.50	88.83	2	<0.5	<0.5	<1	<1
	03/08/2013	98.33	8.93	89.40	18	<0.5	<0.5	<1	1.2
MW-6	09/04/2012	98.19	8.89	88.30	82	2.1	<0.5	<1	<1
	03/08/2013	98.19	9.57	88.82	50	<0.5	<0.5	<1	<1
MW-7	09/04/2012	98.25	8.21	88.94	11	10	<0.5	9	<1
	03/08/2013	98.25	8.83	89.42	0.93	<0.5	<0.5	<1	<1
MW-8	03/08/2013	98.40	8.35	90.05	<0.5	<0.5	<0.5	<1	<1
MW-9	03/08/2013	97.60	9.83	87.77	0.89	<0.5	<0.5	<1	<1

## NOTES:

1. ug/L = micrograms per liter
2. <# = Not detected above the analytical method detection limit
3. **Bold** = Concentration exceeds the Tier 1 Groundwater Remediation Objectives for Class I Groundwater

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**Attachment D –  
IEPA Highway Authority Agreement Form and Associated  
Exhibits**

Property of Cook County Clerk's Office



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## HIGHWAY AUTHORITY AGREEMENT

This Agreement is entered into this 10<sup>th</sup> day of January, 2014 pursuant to 35 Ill. Adm. Code 742.1020 by and between the owner/operator of the tank (1) True North Energy, LLC ("Owner/Operator") and (2) City of Chicago ("Highway Authority"), collectively known as the "Parties."

**WHEREAS**, True North Energy, LLC is the owner or operator of one or more leaking underground storage tanks presently or formerly located at 6346 North Clark Street, Chicago, Cook County, Illinois ("the Site");

**WHEREAS**, as a result of one or more releases of contaminants from the above referenced underground storage tanks ("the Release(s)"), soil and/or groundwater contamination at the Site exceeds the Tier 1 residential remediation objectives of 35 Ill. Adm. Code 742;

**WHEREAS**, the soil and/or groundwater contamination exceeding Tier 1 residential remediation objectives extends or may extend into the Highway Authority's right-of-way;

**WHEREAS**, the Owner/Operator is conducting corrective action in response to the Release(s);

**WHEREAS**, the Parties desire to prevent groundwater beneath the Highway Authority's right-of-way that exceeds Tier 1 remediation objectives from use as a supply of potable or domestic water and to limit access to soil within the right-of-way that exceeds Tier 1 residential remediation objectives so that human health and the environment are protected during and after any access;

**NOW, THEREFORE**, the Parties agree as follows:

1. The recitals set forth above are incorporated by reference as if fully set forth herein.
2. The Illinois Emergency Management Agency has assigned incident number(s) 20120450 to the Release(s).
3. Attached as Exhibit A is a scaled map(s) prepared by the Owner/Operator that shows the Site and surrounding area and delineates the current and estimated future extent of soil and groundwater contamination above the applicable Tier 1 residential remediation objectives as a result of the Release(s).
4. Attached as Exhibit B is a table(s) prepared by the Owner/Operator that lists each contaminant of concern that exceeds its Tier 1 residential remediation objective, its Tier 1 residential remediation objective, and its

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concentrations within the zone where Tier 1 residential remediation objectives are exceeded. The locations of the concentrations listed in Exhibit B are identified on the map(s) in Exhibit A.

5. Attached as Exhibit C is a scaled map prepared by the Owner/Operator showing the area of the Highway Authority's right-of-way that is governed by this agreement ("Right-of-Way"). Because Exhibit C is not a surveyed plat, the Right-of-Way boundary may be an approximation of the actual Right-of-Way lines.
6. Because the collection of samples within the Right-of-Way is not practical, the Parties stipulate that, based on modeling, soil and groundwater contamination exceeding Tier 1 residential remediation objectives does not and will not extend beyond the boundaries of the Right-of-Way.
7. The Highway Authority stipulates it has jurisdiction over the Right-of-Way that gives it sole control over the use of the groundwater and access to the soil located within or beneath the Right-of-Way.
8. The Highway Authority agrees to prohibit within the Right-of-Way all potable and domestic uses of groundwater exceeding Tier 1 residential remediation objectives.
9. The Highway Authority further agrees to limit access by itself and others to soil within the Right-of-Way exceeding Tier 1 residential remediation objectives. Access shall be allowed only if human health (including worker safety) and the environment are protected during and after any access. The Highway Authority may construct, reconstruct, improve, repair, maintain and operate a highway upon the Right-of-Way, or allow others to do the same by permit. In addition, the Highway Authority and others using or working in the Right-of-Way under permit have the right to remove soil or groundwater from the Right-of-Way and dispose of the same in accordance with applicable environmental laws and regulations. The Highway Authority agrees to issue all permits for work in the Right-of-Way and make all existing permits for work in the Right-of-Way subject to the following or a substantially similar condition:

As a condition of this permit the permittee shall request the office issuing this permit to identify sites in the Right-of-Way where a Highway Authority Agreement governs access to soil that exceeds the Tier 1 residential remediation objectives of 35 Ill. Adm. Code 742. The permittee shall take all measures necessary to protect human health (including worker safety) and the environment during and after any access to such soil.

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1. This agreement shall be referenced in the Agency's no further remediation determination issued for the Release(s).
2. The Agency shall be notified of any transfer of jurisdiction over the Right-of-Way at least 30 days prior to the date the transfer takes effect. This agreement shall be null and void upon the transfer unless the transferee agrees to be bound by this agreement as if the transferee were an original party to this agreement. The transferee's agreement to be bound by the terms of this agreement shall be memorialized at the time of transfer in a writing ("Rider") that references this Highway Authority Agreement and is signed by the Highway Authority, or subsequent transferor, and the transferee.
3. This agreement shall become effective on the date the Agency issues a no further remediation determination for the Release(s). It shall remain effective until the Right-of-Way is demonstrated to be suitable for unrestricted use and the Agency issues a new no further remediation determination to reflect there is no longer a need for this agreement or until the agreement is otherwise terminated or voided.
4. In addition to any other remedies that may be available, the Agency may bring suit to enforce the terms of this agreement or may, in its sole discretion, declare this agreement null and void if any of the Parties or any transferee violates any term of this agreement. The Parties or transferee shall be notified in writing of any such declaration.
5. This agreement shall be null and void if a court of competent jurisdiction strikes down any part or provision of the agreement.
6. This agreement supersedes any prior written or oral agreements or understandings between the Parties on the subject matter addressed herein. It may be altered, modified or amended only upon the written consent and agreement of the Parties.
7. Any notices or other correspondence regarding this agreement shall be sent to the Parties at following addresses:

Manager, Division of Remediation Management  
 Bureau of Land  
 Illinois Environmental Protection Agency  
 P.O. Box 19276  
 Springfield, Illinois 62974-927

True North Energy, LLC  
 David P. Nye, CHMM  
 10346 Brecksville Road  
 Brecksville, Ohio 44141


Chief Engineer, Storage Tank Section  
 City of Chicago  
 Raul Valdivia, Ph.D.  
 30 North LaSalle Street, Suite 2500  
 Chicago, Illinois 60602

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IN WITNESS WHEREOF, the Parties have caused this agreement to be signed by their duly authorized representatives.

CITY OF CHICAGO

Date: 01/10/14

  
Raul Valdivia, Ph.D.  
Chief Engineer, UST/LUST  
Department of Public Health

OWNER/OPERATOR

Date: 12-16-13

By:   
Its: GM Environmental Affairs  
Title

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**Exhibit A:**

Property of Cook County Clerk's Office



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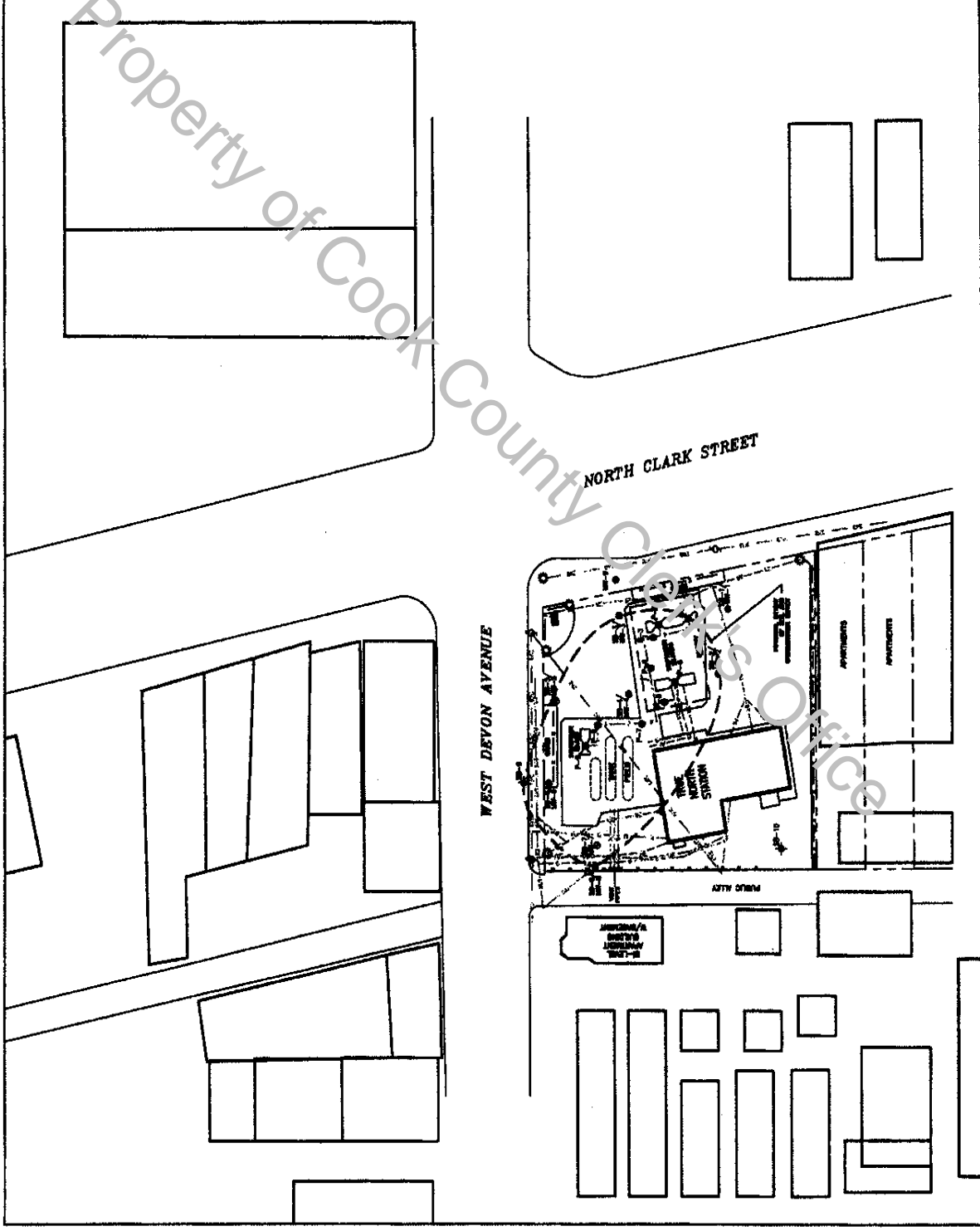
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### LEGEND

- PROPERTY BOUNDARY
- - - FENCE
- x - GUARD RAIL
- ○ ○ UTILITY POLE
- ○ ○ LIGHT POLE
- ○ ○ UNDERGROUND STORAGE TANK
- ○ ○ MONITORING WELL
- - - UNDERGROUND COMMUNICATIONS LINE
- - - UNDERGROUND SANITARY SEWER LINE
- - - UNDERGROUND ELECTRIC LINE
- - - UNDERGROUND WATER LINE
- - - UNDERGROUND GAS LINE
- - - UNDERGROUND VENT LINE
- - - UNDERGROUND PRODUCT LINE
- - - OVERHEAD ELECTRIC LINE
- ⊕ SOIL BORING
- SOIL SAMPLE

DRAWN BY: E.M.L. (N.J.)	CHECKED BY:  	REVISIONS BY:  	NORTH
<b>PLUME MAP</b>			
<b>TRUE NORTH ENERGY, LLC</b> <b>TRUE NORTH SERVICE STATION #1907</b> <b>6346 NORTH CLARK STREET</b> <b>CHICAGO, ILLINOIS</b>			
Groundwater & Environmental Services, Inc. 1050 CORPORATE BOULEVARD, SUITE C, AURORA, IL 60505			
SCALE IN FEET 0 APPROXIMATE 30	DATE 10-25-13	FIGURE B-1	



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## UNOFFICIAL COPY

Table 1

## SOIL ANALYTICAL DATA-BTEX/MTBE

True North #1907  
6346 North Clark Street  
Chicago, Illinois

Tier 1 Soil Remediation Objectives for Residential Properties			Benzene (mg/kg)	Toluene (mg/kg)	Ethylbenzene (mg/kg)	Xylenes (mg/kg)	MTBE (mg/kg)
Ingestion - residential			12	16,000	7,800	16,000	780
Ingestion - construction worker			2,300	410,000	20,000	41,000	2,000
Inhalation - residential			0.8	650	400	320	8,800
Inhalation - construction worker			2.2	42	58	5.6	140
Class I Soil Cleanup Objectives			0.03	12	13	150	0.32
Class II Soil Cleanup Objectives			0.17	29	19	150	0.32
Soil Boring Description	Sample Date	Depth (feet)					
P-1	05/09/12	3	<0.012	0.13	0.027	0.2	<0.099
P-2	05/09/12	4	<0.014	<0.014	<0.014	<0.029	<0.12
P-3	05/09/12	3	<b>0.092</b>	0.26	0.13	0.81	<0.1
P-4	05/09/12	3	<0.012	0.03	<0.012	0.065	<0.094
P-5	05/09/12	3	<b>0.039</b>	0.093	0.017	0.48	<0.1
P-6	05/09/12	7	11	0.75	11	32	<0.12
P-7	05/10/12	4	0.014	0.067	<0.012	0.058	<0.099
P-8	05/10/12	4	<0.012	0.41	0.025	0.17	<0.1
P-9	05/10/12	6	<b>0.073</b>	0.65	0.22	1.2	0.1
SB-1/MW-1	07/24/12	2	<0.011	<0.011	<0.011	<0.021	<0.085
SB-2/MW-2	07/24/12	2	<0.012	0.078	<0.012	0.044	<0.098
SB-2/MW-2	07/24/12	6	<0.015	<b>0.023</b>	<0.015	0.052	<0.012
SB-3/MW-3	07/24/12	4	<0.013	0.037	0.02	0.052	<0.11
SB-3/MW-3	07/24/12	6	<0.015	<0.015	<0.015	<0.03	<0.12
SB-4/MW-4	07/24/12	4	<b>0.22</b>	0.78	0.79	1.4	<0.11
SB-4/MW-4	07/24/12	6	<b>0.19</b>	0.17	0.11	0.068	<0.11
SB-5/MW-5	07/25/12	4	0.015	0.022	<0.014	0.044	<0.11
SB-5/MW-5	07/25/12	6	<0.013	<0.013	<0.013	<0.026	<0.1
SB-6/MW-6	07/25/12	4	<0.013	<0.013	<0.013	<0.026	<0.1
SB-6/MW-6	07/25/12	6	<b>0.069</b>	0.15	<0.017	0.093	<0.13
SB-7/MW-7	07/25/12	2	<0.011	<0.011	<0.011	<0.023	<0.091
SB-7/MW-7	07/25/12	6	<b>0.054</b>	<0.014	<0.014	<0.028	<0.11
SB-8/MW-8	01/28/13	3	<0.017	<0.017	<0.017	<0.034	<0.14
SB-8/MW-8	01/28/13	8	<0.012	<0.012	<0.012	<0.023	<0.092
SB-9	01/28/13	4	<0.010	<0.010	<0.010	<0.021	<0.082
SB-9	01/28/13	6	<0.010	<0.010	<0.010	<0.021	<0.084

## NOTES:

- 1) mg/kg = milligrams per kilogram or parts per million (ppm)
- 2) <# = Not detected above analytical method detection limit
- 3) Bold = Concentration exceeds the Tier 1 Soil Remediation Objectives for Class I Groundwater

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Table 2

## GROUNDWATER ANALYTICAL DATA-BTEX/MTBE

True North #1907  
6346 North Clark Street  
Chicago, Illinois

Tier 1 Groundwater Remediation Objectives for the Groundwater Ingestion Exposure Route					Benzene (ug/L)	Toluene (ug/L)	Ethylbenzene (ug/L)	Xylenes (ug/L)	MTBE (ug/L)
<i>Class I Groundwater Remediation Objectives</i>					5	1,000	700	10,000	70
<i>Class II Groundwater Remediation Objectives</i>					25	2,500	1,000	10,000	70
<i>Indoor Air Remediation Objectives</i>					110	530,000	370	30,000	1,900,000
Sample Location	Sample Date	Referenced Elevation	Depth to Groundwater	Groundwater Elevation					
MW-1	09/04/2012	98.15	8.91	89.24	<0.5	<0.5	<0.5	<1	<1
	07/08/2013	98.15	8.53	89.62	<0.5	<0.5	<0.5	<1	<1
MW-2	09/04/2012	98.58	9.33	89.25	<2.5	<2.5	<2.5	<5	<5
	03/08/2013	98.58	8.82	89.76	<0.5	<0.5	<0.5	<1	<1
MW-3	09/04/2012	98.13	9.46	88.67	18	1.1	<1	<2	<2
	03/08/2013	98.13	9.08	89.05	29	0.89	<0.5	<1	<1
MW-4	09/04/2012	98.49	9.50	88.99	<25	<25	<25	<50	<50
	03/08/2013	98.49	9.03	89.46	8.6	<5	<5	<10	<10
MW-5	09/04/2012	98.33	9.50	88.83	2	<0.5	<0.5	<1	<1
	03/08/2013	98.33	8.93	89.40	18	<0.5	<0.5	<1	1.2
MW-6	09/04/2012	98.19	8.89	88.30	82	2.1	<0.5	<1	<1
	03/08/2013	98.19	8.57	88.82	50	<0.5	<0.5	<1	<1
MW-7	09/04/2012	98.25	9.21	88.94	11	10	<0.5	9	<1
	03/08/2013	98.25	8.83	89.42	0.93	<0.5	<0.5	<1	<1
MW-8	03/08/2013	98.40	8.35	90.05	<0.5	<0.5	<0.5	<1	<1
MW-9	03/08/2013	97.60	9.83	87.77	0.89	<0.5	<0.5	<1	<1

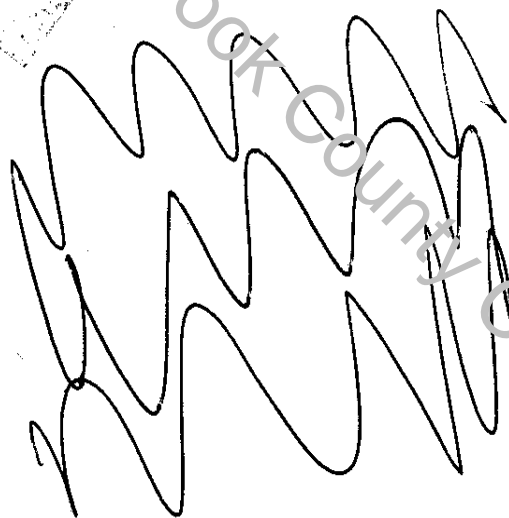
## NOTES:

1. ug/L = micrograms per liter
2. <# = Not detected above the analytical method detection limit
3. Bold = Concentration exceeds the Tier 1 Groundwater Remediation Objectives for Class I Groundwater

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**Exhibit C:**

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### LEGEND

- PROPERTY BOUNDARY
- x- FENCE
- x- GUARD RAIL
- x- UTILITY POLE
- x- LIGHT POLE
- UNDERGROUND STORAGE TANK
- MONITORING WELL
- UNDERGROUND COMMUNICATIONS LINE
- UNDERGROUND SANITARY SEWER LINE
- UNDERGROUND ELECTRIC LINE
- UNDERGROUND WATER LINE
- UNDERGROUND GAS LINE
- UNDERGROUND VENT LINE
- UNDERGROUND PRODUCT LINE
- OVERHEAD ELECTRIC LINE
- ▣ AREA SUBJECT TO HIGHWAY AUTHORITY AGREEMENT

DRAFTED BY: E.M.L. (N.J.)	CHECKED BY:  	REVIEWED BY:  	NORTH 	SCALE IN FEET 0 APPROXIMATE 50	DATE 10-25-13	FIGURE C-1
HIGHWAY AGREEMENT AREA MAP TRUE NORTH ENERGY, LLC TRUE NORTH SERVICE STATION #1907 6346 NORTH CLARK STREET CHICAGO, ILLINOIS			Groundwater & Environmental Services, Inc. 1060 CORPORATE BOULEVARD, SUITE C, AURORA, IL 60505			

