

UNOFFICIAL COPY

PREPARED BY:



Name: Sears Holding Management Corporation
Bruce Kaye

Doc#: 1516746148 Fee: \$62.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 06/16/2015 01:34 PM Pg: 1 of 13

Address: 2 Rivers Oak Center Drive
Calumet, IL. 60409

RETURN TO:

Name: Sears Holding Management Corporation
Bruce Kaye

Address: 3333 Beverly Road
Hoffman Estates, IL. 60179

(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.: 0310390019

Leaking UST Incident No.: 932672

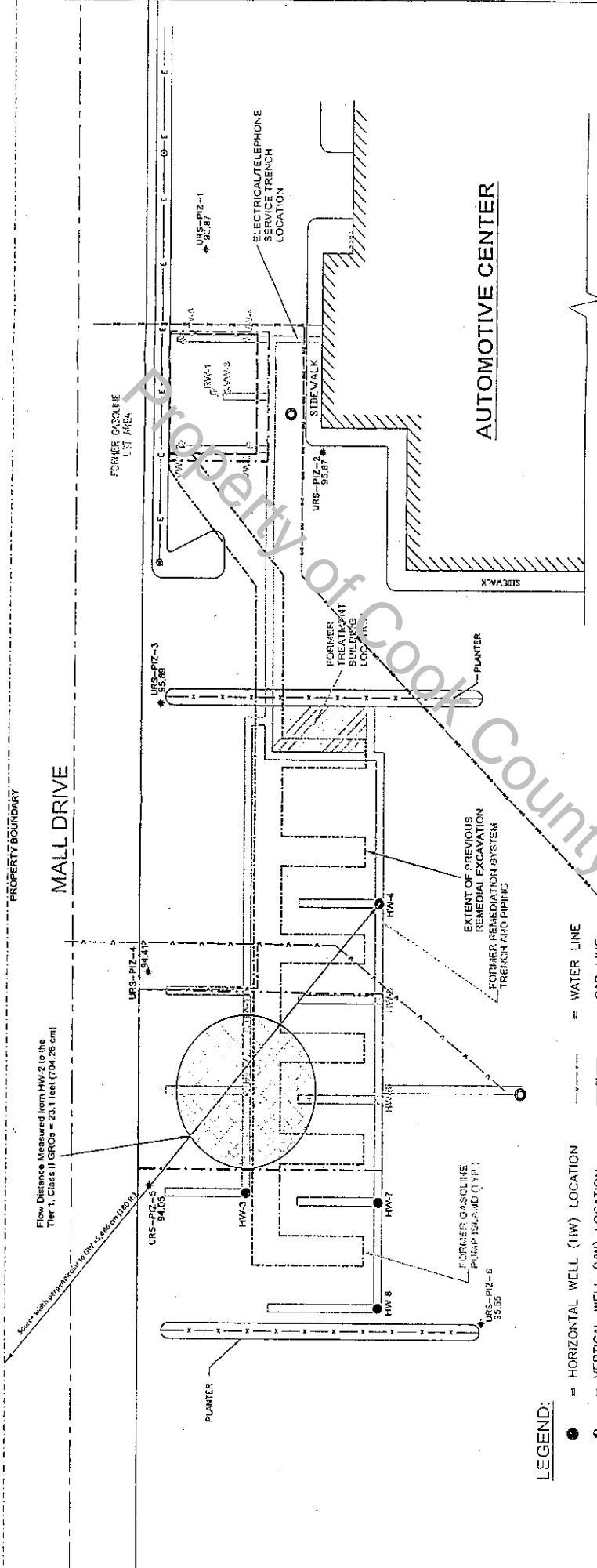
Sears Holding Management Corporation, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 3333 Beverly Road, Hoffman Estates, IL. 60179

, has performed investigative and/or remedial activities for the site identified as follows and depicted on the attached Site Base Map:

1. Legal Description or Reference to a Plat Showing the Boundaries: See Legal Description
2. Common Address: 2 Rivers Oak Center Drive, Calumet, IL. 60409
3. Real Estate Tax Index/Parcel Index Number: 30-19-100-110-0000
4. Site Owner: Sears Holding Management Corporation
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

WSZ

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Flow Distance Measured from HW-2 to the Tier 1, Class II GROs = 23.1 feet (7.0426 cm)

Source: walk-through survey to RW-15, 486-m (1611-ft)

- LEGEND:**
- = HORIZONTAL WELL (HW) LOCATION
 - = VERTICAL WELL (VW) LOCATION
 - ⊙ = PIEZOMETER WELL LOCATION
 - ⊗ = STORMSEWER DISCHARGE LOCATION
 - ⊖ = LIGHT POLE
 - = ELECTRIC LINE
 - = GROUNDWATER ELEVATION (10-2007)
 - ↔ = FLOW DIRECTION
 - = WATER LINE
 - = GAS LINE
 - ⊗ = DESTROYED/ABANDONED WELL LOCATION
 - = EXTENT OF EXCAVATION

NOTE:
 GRAY/SHADED INDICATE FORMER SITE FEATURES AND/OR EXCAVATED SAMPLE LOCATIONS
 URS-PZ-1 NOT USED TO DETERMINE GROUNDWATER FLOW DIRECTION

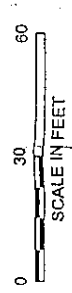


FIGURE 1

FORMER SEARS AUTOMOTIVE CENTER
 CALUMET CITY, ILLINOIS

MODELED EXTENT OF BENZENE PLUME
 FOR THE CGCJER

DATE: July 1, 2014
 JOB NO.: 25369156
 DRAWN BY: JMM
 CHECKED BY: GC
 SCALE: AS SHOWN



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30-19-100-110-0000

That part of the Northwest Quarter (1/4) of Section 19, Township 36 North, Range 15 East of the Third Principal Meridian, bounded and described as follows - Beginning at the Northwest Corner of the East Six Hundred Sixty (660) feet of said Northwest Quarter (1/4); thence South 0 degrees, 09 minutes, 50 seconds West, on the West line of the East Six Hundred Sixty (660) feet of said Northwest Quarter (1/4) a distance of 1635.56 feet; thence North 44 degrees, 42 minutes, 30 seconds, West, a distance of 260.28 feet; thence North 28 degrees, 30 minutes, 00 seconds East, a distance of 59.87 feet; thence North 44 degrees, 42 minutes, 30 seconds West, a distance of 519.21 feet; thence South 45 degrees, 17 minutes, 30 seconds West, a distance of 24.00 feet; thence North 44 degrees, 42 minutes, 30 seconds, West, a distance of 110.00 feet; thence South 45 degrees, 17 minutes, 30 seconds West, a distance of 10.00 feet; thence North 44 degrees, 42 minutes, 30 seconds West, a distance of 615.00 feet; thence North 0 degrees, 17 minutes, 30 seconds East, on a line perpendicular to the North line of said Northwest Quarter (1/4) a distance of 543.00 feet to the North Line of said Northwest Quarter (1/4); thence, South 89 degrees, 42 minutes, 30 seconds East, on the North Line of said Northwest Quarter (1/4) a distance of 1055.93 feet to the place of beginning (excepting from said Tract of Land that part of thereof falling within the West 19.02 Chains (1255.32 feet) of said Northwest Quarter (1/4) of Section 19; and excepting from said tract of land that part thereof lying North of a line 50 feet South of and parallel with the North line of the Northwest Quarter (1/4) of said Section 19).

Proprietor of
County Clerk's Office

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07/18/2008 09:14 7884215159
07/17/2008 MON 10:25 FAX 7088818843

ODELSON
CITY OF CALUMET CITY

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001

**THE CITY OF CALUMET CITY
COOK COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 06-37**

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

**MICHELLE MARKIEWICZ QUALKINBUSH, Mayor
GLORIA DOOLEY, City Clerk**

**EDWARD GONZALEZ
MAGDALENA J. WOSZYNSKI
THADDEUS JONES
BRIAN WILSON
GERALD A. TARKA
NIKOLAOS MANOUSOPOULOS
CYNTHIA M. PALLICK
Aldermen**

UNOFFICIAL COPY07/18/2006 09:14 788424675
07/18/2006 MON 10:25 FAX 7088918843

CITY OF CALUMET CITY

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002

ORDINANCE NUMBER 06- 37**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**

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

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City 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 objective as set forth in 35 Illinois Administrative Code 742; and

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

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

SECTION ONE Use of groundwater as a potable water supply is prohibited.

The use or attempt to use groundwater as a potable water supply source from within the corporate limits of the City of Calumet City by the installation of or drilling of well or by any other method is hereby prohibited, including at points of withdrawal by the City of Calumet City.

SECTION TWO Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of up to \$5,000.00 for each violation.

SECTION THREE Definitions.

"Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, 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 food.

SECTION FOUR Repealer.

All ordinances or parts of ordinances in conflict with this ordinance 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 circumstance is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

SECTION SIX Effective date.

This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

07/18/2006 09:14 783424573
07/17/2006 MON 10:28 FAX 7068918843

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CITY OF CALUMET CITY

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004

ADOPTED this 21st day of June, 2006, pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Gonzalez	X			
Wosczynski	X			
Jones	X			
Tarka	X			
Manousopoulos	X			
Pallick	X			
Wilson	X			
Qualkinbush (Mayor)				
TOTAL	7	0	0	0

APPROVED by the Mayor on June 21, 2006.

Michelle Markiewicz
Michelle Markiewicz Qualkinbush
MAYOR

ATTEST:

Gloria Dooley
Gloria Dooley
CITY CLERK



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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-2829

BRUCE RAUNER, GOVERNOR

LISA BONNETT, DIRECTOR

217/524-3300

CERTIFIED MAIL

7011 1150 0001 0863 0273

MAY 01 2015

Sears Holdings Management Corp
 Attn: Bruce Kaye
 3333 Beverly Rd, B5-350A
 Hoffman Estates, IL 60179

Re: LPC #0310390019 Cook County
 Calumet City/ Sears Auto Center Store #1510/6341
 2 River Oaks Center Drive
 Leaking UST Incident No. 932672-- NFR Letter
 Leaking UST Technical File

Dear Mr. Kaye:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Reports submitted for the above-referenced incident. The information was dated February 6, 2015, March 23, 2015 and April 20, 2015 and was received by the Illinois EPA on February 11, 2015, March 24, 2015 and April 22, 2015. Citations in this letter are from the Environmental Protection Act (415 ILCS 5) (Act) and Title 35 of the 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 Claudine Parra, 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

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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. Sears Holdings Management Corp, the owner or operator of the underground storage tank system(s).
2. Any parent corporation or subsidiary of such owner or operator.
3. Any co-owner or co-operator, either by joint tenancy, right-of-survivorship, or any other party sharing a legal relationship with the owner or operator to whom the Letter is issued.
4. Any holder of a beneficial interest of a land trust or inter vivos trust whether revocable or irrevocable.
5. Any mortgagee or trustee of a deed of trust of such owner or operator.
6. Any successor-in-interest of such owner or operator.
7. Any transferee of such owner or operator whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest.
8. Any heir or devisee of such owner or operator.
9. An owner of a parcel of real property to the extent that this Letter applies to the occurrence on that parcel.

This Letter and all attachments, including but not limited to the Leaking Underground Storage Tank Environmental Notice, must be filed within 45 days of receipt as a single instrument with the Office of the Recorder or Registrar of Titles in the county in which the above-referenced site is located. In addition, the Groundwater Ordinance (photocopy attached) must be filed as an attachment of this Letter with the Office of the Recorder or Registrar of Titles of the applicable county. This Letter shall not be effective until officially recorded by the Office of the Recorder or Registrar of Titles of the applicable county in accordance with Illinois law so it forms a permanent part of the chain of title for the above-referenced property. Within 30 days of this Letter being recorded, an accurate and official copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA. For recording purposes, it is recommended that the Leaking Underground Storage Tank Environmental Notice of this Letter be the first page of the instrument filed.

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CONDITIONS AND TERMS OF APPROVAL

LEVEL OF REMEDIATION AND LAND USE LIMITATIONS

1. The remediation objectives for the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, were established in accordance with the requirements of the Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) rules.
2. As a result of the release from the underground storage tank system(s) associated with the above-referenced incident, the above-referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter, shall not be used in a manner inconsistent with the following land use limitation: It has been demonstrated that the groundwater under the site meets Class II (General Resource) groundwater criteria rather than Class I (Potable Resource) groundwater. Groundwater classifications are defined at 35 Ill. Adm. Code 620.Subpart B.
3. The land use limitation specified in this Letter may be revised if:
 - a. Further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use; and
 - b. A new No Further Remediation Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

PREVENTIVE, ENGINEERING, AND INSTITUTIONAL CONTROLS

4. Preventive: None.

Engineering: None.

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

Groundwater Use Ordinance

Ordinance 06-37 adopted by the Calumet City 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:

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- 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 Calumet City must receive written notification from the owner or operator desiring to use the ordinance as an institutional control that groundwater remediation objectives have been approved by the Illinois EPA. Written proof of this notification shall be submitted to the Illinois EPA in accordance with 35 Ill. Adm. Code 742.1015(b) and (c) within 45 days from the date this Letter is recorded. The notification shall include:

- i. The name and address of the unit of local government;
- ii. The citation of the ordinance used as an institutional control in this Letter;
- iii. A description of the property being sent notice by adequate legal description or by reference to a plat showing the boundaries;
- iv. A statement that the ordinance restricting the groundwater use was used by the Illinois EPA in reviewing a request for groundwater remediation objectives;
- v. A statement as to the nature of the release and response action with the name, address, and Illinois EPA inventory identification number; and
- vi. A statement as to where more information may be obtained regarding the ordinance.

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.

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- 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 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 voidance, explain the provisions for appeal, and describe the facts in support of the voidance. Specific acts or omissions that may result in the voidance of this Letter include, but shall not be limited to:
- a. Any violation of institutional controls or industrial/commercial land use restrictions;
 - b. The failure to operate and maintain preventive or engineering controls or to comply with any applicable groundwater monitoring plan;
 - c. The disturbance or removal of contamination that has been left in-place in accordance with the Corrective Action Plan or Completion Report;

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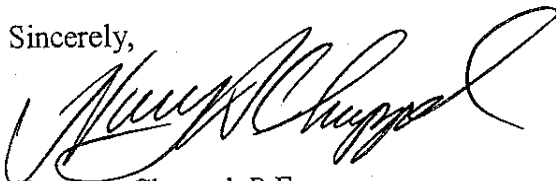
- d. The failure to comply with the recording requirements for the Letter;
- e. Obtaining the Letter by fraud or misrepresentation; or
- f. Subsequent discovery of contaminants, not identified as part of the investigative or remedial activities upon which the issuance of the Letter was based, that pose 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, Wayne Zuehlke, at 217/557-6937.

Sincerely,



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

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

HAC:WSZ:\

Attachments: Leaking Underground Storage Tank Environmental Notice
 Figure 1 Site Map
 Legal Description
 Calumet City Ordinance

cc: URS
 BOL File

DONE AT CUSTOMER'S REQUEST