

UNOFFICIAL COPY

PREPARED BY:



Name: PAV2, LLC
Attn: Michael Evans

Address: 1200 East 75th Street
Downers Grove, Illinois 60516

Doc#: 1516819211 Fee: \$62.25
RHSP Fee: \$9.00 RPRF Fee: \$1.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 06/17/2015 04:24 PM Pg: 1 of 12

RETURN TO:

Name: PAV2, LLC
Attn: Michael Evans

Address: 24501 Ecorse Road
Taylor, Michigan 48180

(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 DUPAGE COUNTY IN WHICH THE SITE DESCRIBED BELOW IS LOCATED.

Illinois EPA No.: 0430305150

Leaking UST Incident No.: 20120208

PAV2, LLC, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 24501 Ecorse Road, Taylor, Michigan 48180, has performed investigative and/or remedial activities for the site identified as follows:

1. Legal Description or Reference to a Plat Showing the Boundaries: See Attached
2. Common Address: 1200 East 75th Street, Downers Grove, Illinois 60516
3. Real Estate Tax Index/Parcel Index Number: 09-30-201-002
4. Site Owner: Blacksand LLC
5. Land Use Limitation: 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.

S YES
P 12
S NO
M YES
S YES
E NO
INT J.H.

Leaking Underground Storage Tank Environmental Notice

11/15/15
2/25

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4423

06/03/02

ORDINANCE NO. 4423

AN ORDINANCE AMENDING SECTION 25-52 REGARDING GROUNDWATER WELLS

BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows: (Additions are indicated by shading; deletions by ~~strikeout~~.)

SECTION 1. That Section 25-52 of the Downers Grove Municipal Code is hereby amended as follows:

25-52. Private water wells; permit required.

(a) For purposes of this section, the following terms shall be defined as follows:

Person - any individual, partnership, co-partnership, firm, company, limited liability corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or employees.

Potable Water - any water used for human or domestic consumption, including, but not limited to water used for drinking, bathing, swimming, washing dishes or preparing food.

Groundwater - is any underground water which occurs within the saturated zone and geological materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure.

(b) Except for such uses or methods in existence prior to February 19, 2002, the use or attempt to use by any person, including the Village of Downers Grove, as a potable-water supply groundwater from any location within the corporate limits of the Village by the installation or drilling of wells or by any other method is hereby prohibited.

(c) It shall be unlawful for any person to dig, drill, redrill or extend, or cause to be dug, drilled, redrilled, or extended, any well, hole or other excavation in the ground for the purpose of extracting water therefrom, at any location within the corporate limits of the Village, ~~except~~

~~(i) Any well intended and used exclusively for irrigation and watering of crops or landscaping or in cooling towers used in conjunction with air conditioning systems; provided, that the well shall meet the following conditions:~~

~~(i) Such well shall not be drilled to a depth greater than two hundred feet; and~~

~~(ii) Such well shall not be connected in any way to any water system providing water for domestic use or human consumption, including but not limited to, the Village's water system. In order to assure that water from such well is not so connected, the Village may require that a periodic bacteriological sampling may be taken of the domestic water entering any building on the property served by such well. The charge for such sampling shall be automatically added to the water bill for Village water for such building, and shall constitute an expense to the owner thereof; and~~

~~(iii) Any such well with a column pipe up to four inches in size shall not be dug or drilled within fifty feet from any Village owned well. Any such well with a column pipe greater than five inches in size shall not be dug or drilled within one thousand feet from any Village owned well; and~~

~~(iv) Such well shall be no less than fifteen feet from any publicly or privately owned water main; and~~

~~(v) A backflow prevention device shall be installed on the water service pipe(s)/line(s) connecting any structure on the property to the public water supply;~~

~~(vi) Such wells shall not be subject to the water conservation regulations in Section 25-5 if the owner or occupant of the property on which the well is located obtains and displays a "private well" sign. A metal sign shall be placed in the front yard or a paper sign in the window of the~~



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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

MAY 12 2015

7013 2630 0001 4708 3968

PAV2, LLC

Attn: Michael Evans

24501 Ecorse Road

Taylor, Michigan 48180

Re: LPC# 0430305150 -- DuPage County
Downers Grove Former BP Station #26262
1200 East 75th Street
Leaking UST Incident No. 20120208
Leaking UST Technical File

Dear Mr. Evans:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information was received by the Illinois EPA on 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 Samuel S. Tawney, 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. PAV2, LLC, the owner or operator of the underground storage tank system(s).

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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 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 20 days of this Letter being recorded, an accurate and official copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA. For recording purposes, it is recommended that the Leaking Underground Storage Tank Environmental Notice of this Letter be the first page of the instrument filed.

CONDITIONS AND TERMS OF APPROVAL

LEVEL OF REMEDIATION AND LAND USE LIMITATIONS

1. The remediation objectives for the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, were established in accordance with the requirements of the Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) rules.

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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 groundwater under the site shall not be used as a potable water supply.
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: 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.

Groundwater Use Ordinance

Ordinance No. 4423 adopted by the Village of Downers Grove effectively prohibits the installation of potable water supply wells (and the use of such wells) and is an acceptable institutional control under the following conditions:

- a. The current owner or successor-in-interest of this site who relies on this ordinance as an institutional control shall:
 - i. Monitor activities of the unit of local government relative to variance requests or changes in the ordinance relative to the use of potable groundwater at this remediation site; and

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- ii. Notify the Illinois EPA of any approved variance requests or ordinance changes within 30 days after the date such action has been approved.
- b. Each affected property owner, potentially affected property owner (as identified through contaminant modeling), and the Village of Downers Grove 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.
- b. Approval of a site-specific request, such as a variance, to allow use of groundwater at the site.

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- 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;
 - d. The failure to comply with the recording requirements for the Letter;
 - e. Obtaining the Letter by fraud or misrepresentation; or

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- 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 Matthew Urish, P.G., at 217/524-6941.

Sincerely,

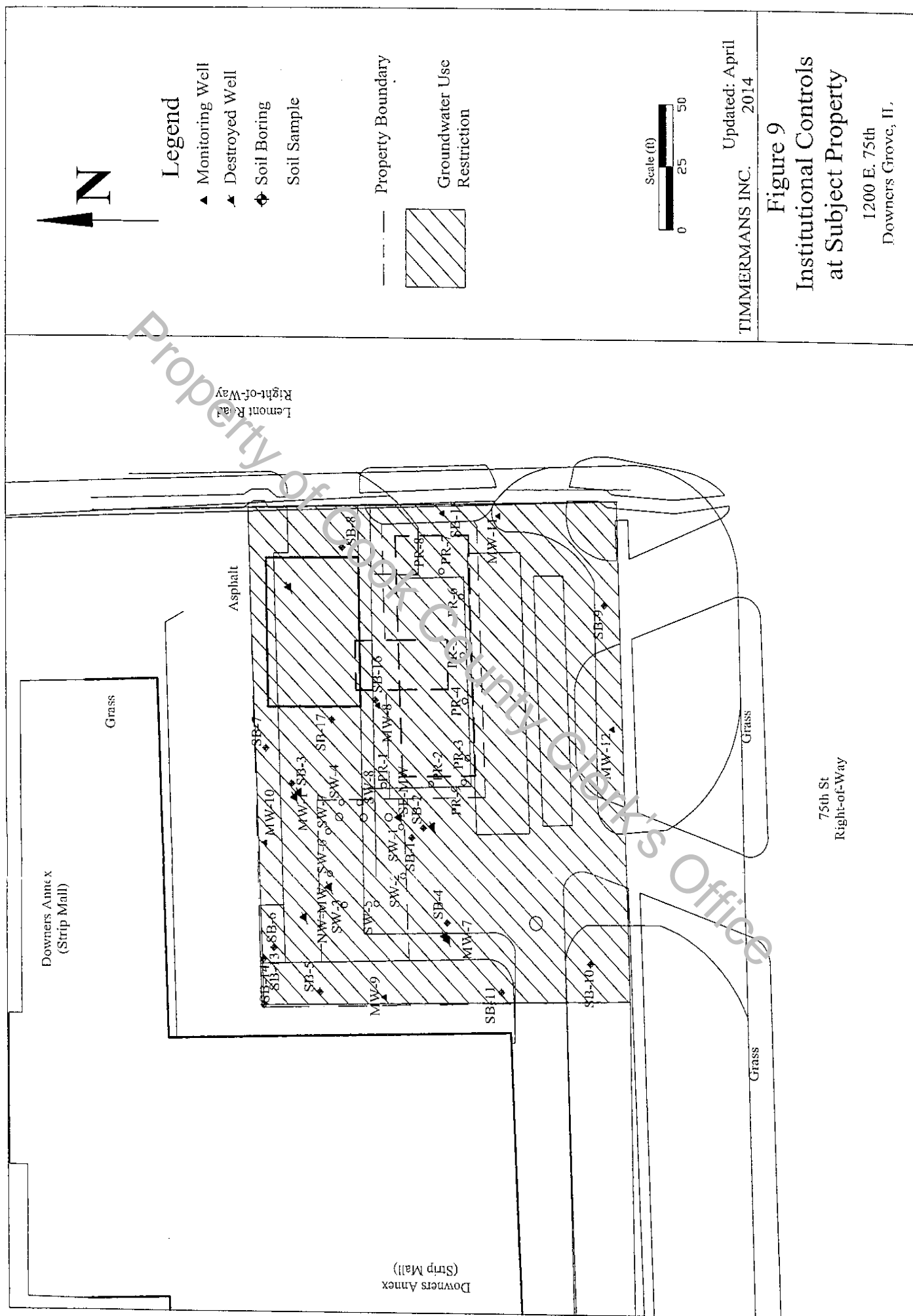


Michael T. Lowder
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

MTL:MU/20120208.doc

Attachment: Leaking Underground Storage Tank Environmental Notice Page
Village of Downers Grove Groundwater Ordinance No. 4423
Institutional Control Site Map
Legal Description

cc: Jason Brink, TES, Inc.
Hemant Patel, Blacksand LLC.
Division File



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4423

~~property in a location clearly visible from the street. Such signs shall be obtained from the Village; metal property signs for a cost of twenty dollars; paper window signs at no charge. Except as otherwise provided in the preceding sentences, such wells shall be subject to the water conservation regulations in Section 25-5.~~

~~(vii) If well water is used in cooling towers in conjunction with air conditioning systems, all such water shall dispense through evaporation or other appropriate means and shall not be discharged into the sanitary or storm sewer systems, or otherwise discharged into the ground.~~

~~(d) It shall be unlawful for any person to dig, drill, redrill or extend, or cause to be dug, drilled, redrilled, or extended, any well, hole or other excavation in the ground for the purpose of extracting water therefrom, without (1) having first applied for and obtained a permit for such well from the Village, which permit shall not be issued unless the applicant provides satisfactory evidence to the effect that such well is permitted under the provisions of subsection (a) above; (2) establishing that permits therefor have also been issued by DuPage County, the Illinois Department of Mines and Minerals and any other governmental authority having jurisdiction thereof; and (3) certifying that such well will be in full compliance with all applicable health and safety requirements of DuPage County. Fees for the permit required in paragraph (a) hereof shall be as follows:~~

<u>Work Performed</u>	<u>Fee</u>	<u>Bond</u>
Plan review and on-site inspection	\$ 100.00	N/A
Electrical inspection	\$ 5.00	N/A
Parlway opening	\$0.00	\$200.00

(Ord. No. 2942, § 1; Ord. No. 3301, § 3.)

SECTION 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

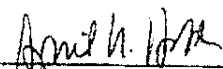
SECTION 3. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.


Mayor

Passed: June 18, 2002

Published: June 19, 2002

Attest:


Village Clerk

[grndh2o]

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EXHIBIT A
TO
QUIT CLAIM DEED

LEGAL DESCRIPTION

1200 W. 75th Street
Downers Grove, IL

THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF 75TH STREET AS IMPROVED AND OCCUPIED (SAID NORTHERLY LINE BEING 100.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHEAST QUARTER) WITH THE WESTERLY LINE OF LEMONT ROAD AS IMPROVED AND OCCUPIED (SAID WESTERLY LINE BEING 66.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER); THENCE WESTERLY ALONG SAID NORTHERLY LINE OF 75TH STREET 200.00 FEET; THENCE NORTHERLY AND PARALLEL WITH SAID WESTERLY LINE OF LEMONT ROAD; 160.00 FEET; THENCE EASTERLY AND PARALLEL WITH SAID NORTHERLY LINE OF 75TH STREET 200.00 FEET, TO SAID WESTERLY LINE OF LEMONT ROAD; THENCE SOUTHERLY ALONG SAID WESTERLY LINE 160.00 FEET TO THE PLACE OF BEGINNING IN DUPAGE COUNTY, ILLINOIS.

Permanent Index Number: 09-30-201-002

Commonly known as: 1200 75th Street, Downers Grove, Illinois



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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

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 *reversal* 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>.