# UNOFFICIAL COPY

#### PREPARED BY:

Name: Matthew Butler

Speedway LLC #4250

Address: 885 East Touhy Avenue

Des Plaines, Illinois 60018-2701

**RETURN TO:** 

Name: Matthew Buttler

Speedway LLC #4250

Address: P.O. Box 1500

Springfield, Ohio 45501-1500

DOC# 1703449032 Fee \$56.00

RHSP FEE:S9.00 RPRF FEE: \$1.00

KAREN A.YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 02/03/2017 09:12 AM PG: 1 OF 10

## (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 REFURENCED 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.: 0310635183

Leaking UST Incident No.: 20031592 & 20150950

Speedway LLC, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is F.O. Box 1500, Springfield, Ohio, 45501-1500, 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 A suched
- 2. Common Address: 885 East Touhy Avenue, Des Plaines, Illinois, 60018.
- 3. Real Estate Tax Index/Parcel Index Number: 09-32-100-008-0000, 09-32-100-013-0000, 09-32-101-018-0000, & 09-32-101-019-0000.
- 4: Site Owner: Speedway 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.

srb

Attachment: Site Base Map

Legal Description

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397 **BRUCE RAUNER, GOVERNOR** 

**ALEC MESSINA, ACTING DIRECTOR** 

217/524-3300

**CERTIFIED MAIL** 7014 2120 0002 3290 7527

Speedway, Ll Mathew Butler 500 Speedway Drive Springfield, OH 4532

Re:

LPC # 0310635183 -- Cook County Des Plaines/ Speedway, LL C #1250

885 East Touhy Avenue

Leaking UST Incident No. 20031502, 20150950 -- NFR Letter

Leaking UST Technical File

Dear Mr. Butler:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information was dated June 10, 2016 and was received by the Illinois EPA on July 12, 2016. Citations in this letter are from the Environmental Protection Act (415 ILCS 5) (Act) and Titie 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 abovereferenced 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 William Schaefer, 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

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environment. Pursuant to Section 57.10(d) of the Act, this Letter shall apply in favor of the following parties:

- 1. Speedway, LLC, 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 or narriage, 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. 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 Paw so it forms a permanent part of the chain of title for the above-referenced property. Within 40 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-

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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 incustrial/commercial. The groundwater under the site shall not be used as a potable with error 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 COUTROLS

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:

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

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concrete/asphalt barrier is to be properly maintained as an engineered barrier to inhibit inhalation and ingestion of the contaminated media in the area shown on the site base map.

Institutional:

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

#### Highway Authority Agreement

Illinois Department of Transportation agrees, through the use of a Highway Authority Agreement, to allow contaminated groundwater and/or soils to remain beneath its highway right-of-way adjacent to the site located at 885 E. Touhy Avenue, Des Plaines, Illinois. Specifically, as shown on the attached map, contamination will remain in the right-of-way for Toulty Avenue as indicated in the Highway Authority Agreement 1159. The Highway Authority agrees to: (a) prohibit the use of groundwater under the highy av 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 Itighway Authority Agreement can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to the Bureau of Land, FOIA Unit as detailed elsewhere in this letter. Questions regarding the Highway Authority Agreement should be directed to:

Illinois Department of Transportation
Region One Engineer,
Attn: District One Environmental Studies Unit
201 West Center Court
Schaumburg, Illinois 60196

## Concrete Base with No Sumps

Any existing or potential building constructed within the area depicted on the attached site map must have a full concrete slab-on-grade or a full concrete basement floor and walls with no sumps.

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.

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#### 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 tank. 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/onmercial 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, Suzanne Boring, at (217)558-4071.

Sincerely,

Michael T. Lowder

Unit Manager

Leaking Underground Storage Tank Section

Division of Remediation Management

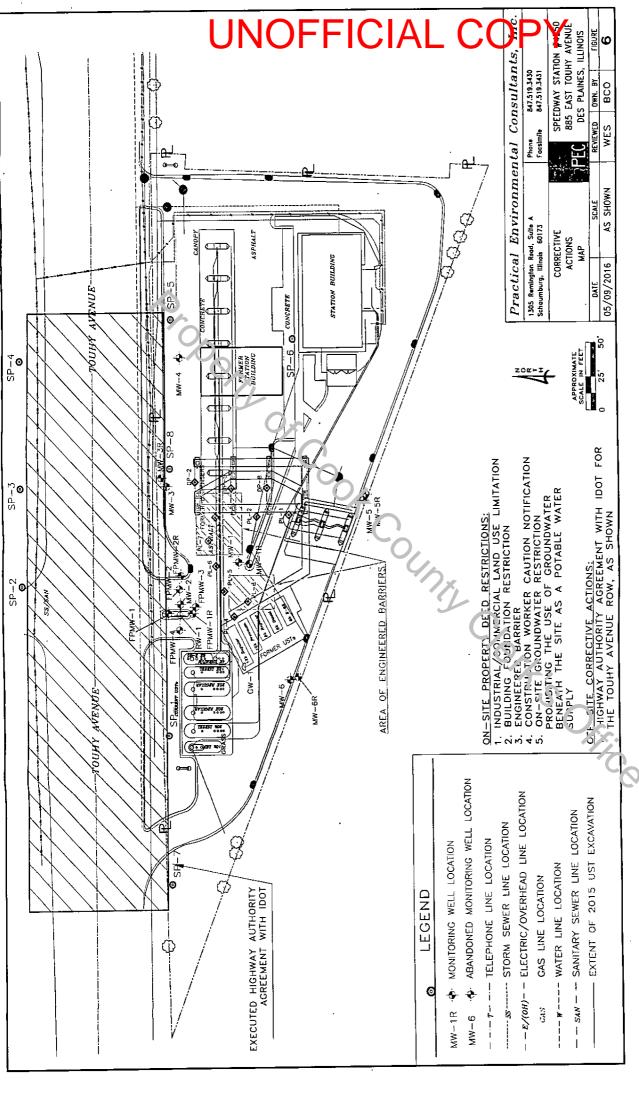
Bureau of Land

MTL:srb\

Attachments: Leaking Underground Storage Tank Environmental Notice

c: Jamie Bardwell, Practical Environmental Consultants, Inc. (electronic copy), jbardwell@pec-inc.com

**BOL** File



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Parcel Nos. 09-32-100-008-0000, 09-32-100-013-0000, 09-32-101-018-0000, & 09-32-101-019-0000

The property is commonly known as 885 East Touhy Avenue, Des Plaines, Illinois:

#### Parcel 1: 09-32-100-008-0000

THAT PART OF THE WEST ½ OF THE EAST <sup>2</sup>/<sub>3</sub> OF THE NORTHWEST ½ OF THE NORTHEAST ½, SECTION 32, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTHEASTERLY OF THE FOLLOWING DESCRIBED TRACT OF LAND: BEGINNING AT A POINT ON THE WEST LINE OF THE WEST ½ OF THE EAST <sup>2</sup>/<sub>3</sub> OF THE NORTHWEST ¼ OF THE NORTHWEST ¼, SECTION 32, SAID POINT BEING 97.2 FEET SOUTH OF A CROSS IN THE PAVEMENT AT THE NORTHWEST CORNER OF THE WEST ½ OF THE EAST <sup>2</sup>/<sub>3</sub> OF 7/15 NORTHWEST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 32; THENCE SOUTH 265.8 FEET ALONG WEST LINE OF THE WEST 1/2 OF THE EAST 1/3 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 32; THENCE SOUTHEASTERLY 470.7 FEET ALONG A LINE MAKING A LEFT DEFLECTION OF 70 DEGREES 07 MINUTES 00 SECONDS WITH THE PREVIOUSLY DESCRIBED COURSE TO THE EAST LINE OF THE WEST ½ OF THE EAST 2/3 OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 32; THENCE NORTH 265.8 FEET ALCNO SAID EAST LINE, WHICH MAKES A LEFT DEFLECTION OF 109 DEGREES 50 MINUTES 30 SECONDS, WITH THE LAST DESCRIBED COURSE; THENCE NORTHWESTERLY 470.9 FEET TO THE PLACE OF BEGINNING (EXCIPTING THEREFROM THAT PART THEREOF LYING NORTH OF THE FOLLOWING DESCRIBED LINE; COMMENCING AT A POINT ON THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 32, WHICH IS 201.8 FE T EAST OF THE NORTHWEST CORNER OF SECTION 32; THENCE SOUTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 22 DEGREES 14 MINUTES, MEASURED SOUTHEASTERLY FROM SAID NORTH LINE OF NORTHWEST 1/2 OF SECTION 32 TO A POINT DISTANT 60 FEET SOUTH, MEASURED AT RIGHT ANGLES, FROM SAID NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 32, SAID POINT BEING THE POINT OF EEGINNING OF THE LINE HEREIN BEING DESCRIBED; THENCE NORTHEASTERLY IN A STRAIGHT LINE A DISTANCE OF 537.04 FEET TO A POINT IN THE WEST LINE OF THE EAST 1/3 OF THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 32, DISTANT 50 FEET SOUTH, MEASURED AT RIGHT ANGLES, FROM SAID NORTH LINE OF THE NORTHWEST ¼ OF SECTION 32.

#### Parcel 2: 09-32-100-013-0000

THAT PART OF THE WEST 1/3 OF THE NORTHWEST ¼ OF SECTION 32, TO VNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTHEASTERLY OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT A STEEL PLATE AT THE NORTHWEST CORNER OF SAID SECTION 32; THENCE EAST 201.8 FEET ALONG THE NORTH LINE OF SAID SECTION 32, TO THE POINT OF BECKNING OF THE LINE HEREIN BEING DESCRIBED; THENCE SOUTHEASTERLY 256.7 FEET ALONG A LINE MAKING A RIGHT DEFLECTION OF 22 DEGREES 14 MINUTES 00 SECONDS WITH THE LAST DESCRIBED CO JRS'\_TO THE EAST LINE OF THE WEST 1/3 OF THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 32.

#### Parcel 3: 09-32-101-018-0000

LOT 5 IN O'HARE NORTHWEST OFFICE PARK SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

#### Parcel 4: 09-32-101-019-0000

LOT 1 IN O'HARE NORTHWEST OFFICE PARK SUBDIVISION, A SUBDIVISION OF PART OF THE NORTHEAST % OF SECTION 32, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

#### Parcel 5:

EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1, AS CREATED BY AGREEMENT

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DATED DECEMBER 12, 1975 MADE BY AND BETWEEN LASALLE NATIONAL BANK, AS TRUSTEE UNDER TRUST NUMBER 48605 (GRANTOR), FIRST CHICAGO REALTY SERVICES CORPORATION (MORTGAGEE), AND LASALLE NATIONAL BANK, AS TRUSTEE UNDER TRUST NUMBER 46595 (GRANTEE), RECORDED DECEMBER 16, 1975 AS DOCUMENT 23325794, OVER AND ACROSS THE FOLLOWING:

THE NORTH 60.0 FEET, AS MEASURED AT RIGHT ANGLES AND CONCENTRIC WITH THE NORTHERLY LINE, OF THE FOLLOWING DESCRIBED TRACT OF LAND:

THAT PART OF THE NORTH 2/3 OF THE EAST ½ OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 32, TOWNSHIP 41 NORTH RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE WEST LINE OF THE EAST ½ OF THE NORTHEAST. ¼ OF THE NORTHWEST ¼ OF SECTION 32 AFORESAID, A DISTANCE OF 634.43 FEET SOUTH OF THE NORTHWEST CORNER THEREOF, (SAID WEST INE HAVING A BEARING OF SOUTH 00 DEGREE, 14 MINUTES, 58 SECONDS WEST FOR THE PURPOSES OF THIS DESCRIPTION); THENCE NORTH 88 DEGREES, 32 MINUTES, 18 SECONDS EAST, A DISTANCE OF 157.23 FEET TO A POINT ON A CURVE HAVING A RADIUS OF 576.94 FEET AND BEING CONCAVE TO THE NORTHWEST; THENCE NORTHEASTERLY ALONG SAID CURVE (THE CHORD OF SAID CURVE BEARING NORTH 56 DEGREES, 48 MINUTES, 38 SECONDS EAST, A DISTANCE OF 390.77 FEET), AND ARC DISTANCE OF 398.65 FEET TO A POINT ON ANOTHER CURVE, WHICH HAS A RADIUS OF 490.0 FEET AND BEING CONCAVE TO THE SOUTHWEST, SAID POINT BEING 2.78 FEET SOUTHEASTERLY, (AS MEASURED ALONG THE ARC OF SAID CURVE FROM A POINT) WHICH LIES 444.0 FEET SOUTH, (AS MEASURED AT RIGHT ANGLES) FROM THE NOTTH LINE OF SAID NORTHWEST ¼ OF SECTION 32 AND 175.0 FEET WEST, (AS MEASURED AT RIGHT ANGLES) FROM THE FOLLOWING DESCRIBED LINE:

COMMENCING AT A POINT OF INTERSECTION OF THE SOUTH LINE OF THE NORTH 2/3 OF THE NORTHEAST % OF THE NORTHWEST % OF SECTION 32, WITH THE VESTERLY LINE OF THE RIGHT OF WAY OF THE ILLINOIS STATE TOLL HIGHWAY COMMISSION, WHICH WAS ACQUIRED BY CONDEMNATION FILED AS CASE NO. 57-S-1501; THENCE NORTH 00 DEGREE, 17 MIN JTES FAST ALONG SAID WESTERLY LINE OF THE RIGHT OF WAY OF THE ILLINOIS STATE TOLL HIGHWAY COMMISSION, A DISTANCE OF 145.7 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A CURVED LINE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 490.0 FEET AND CENTRAL ANGLE OF 31 CEGREES, 30 MINUTES, A DISTANCE OF 312.42 FEET TO A POINT, DISTANCE 440.0 FEET SOUTH, MEASURED AT RIGHT ANGLES FROM THE NORTH LINE OF SAID NORTHWEST % OF SECTION 32 AND DISTANCE (75.1) FEET WEST, MEASURED AT RIGHT ANGLES FROM THE EAST LINE OF SAID NORTHWEST % OF SECTION 32. CXCEPTING THEREFROM THE FOLLOWING:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTH 2/3 OF THE EAST ½ OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 32, THENCE EAST, A DISTANCE OF 156.30 FEET ALONG THE SOUTH LINE OF THE SAID NORTH 2/3; THENCE NORTHWESTERLY, A DISTANCE OF 68.02 FEET AT A LEFT DEFLECTION OF 145 DEGREES, 50 MINUTES, 15 SECONDS WITH THE LAST DESCRIBED COURSE TO A "POINT A"; THENCE NORTHWESTERLY, A DISTANCE OF 114.70 FEET ALONG AN ARC OF A CIRCULAR CURVE, CONCAVE TO THE LEFT WITH A RADIUS OF 3944.72 FEET, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AT SAID "POINT A" TO THE WEST LINE OF THE EAST ½ OF THE NORTHWEST ½ OF SAID SECTION 32; THENCE SOUTH, A DISTANCE OF 101.30 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING OF EXCEPTION, ALL IN COOK COUNTY, ILLINOIS.