

# UNOFFICIAL COPY

**PREPARED BY:**

Name: ExxonMobil Environmental Services

Address: 9901 South Halsted Street  
Chicago, Illinois 60628

**RETURN TO:**

Name: ExxonMobil Environmental Services

Address: 9901 South Halsted Street  
Chicago, Illinois 60628



Doc# 1718108085 Fee \$68.00

RHSP FEE:\$9.00 RPRF FEE: \$1.00

KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 06/30/2017 02:30 PM PG: 1 OF 16

**(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.: 0316535005

Leaking UST Incident No.: 980630

ExxonMobil Environmental Services, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 9901 South Halsted Street, Chicago, Illinois, has performed investigative and/or remedial activities for the site identified as follows and depicted on the attached Site Map:

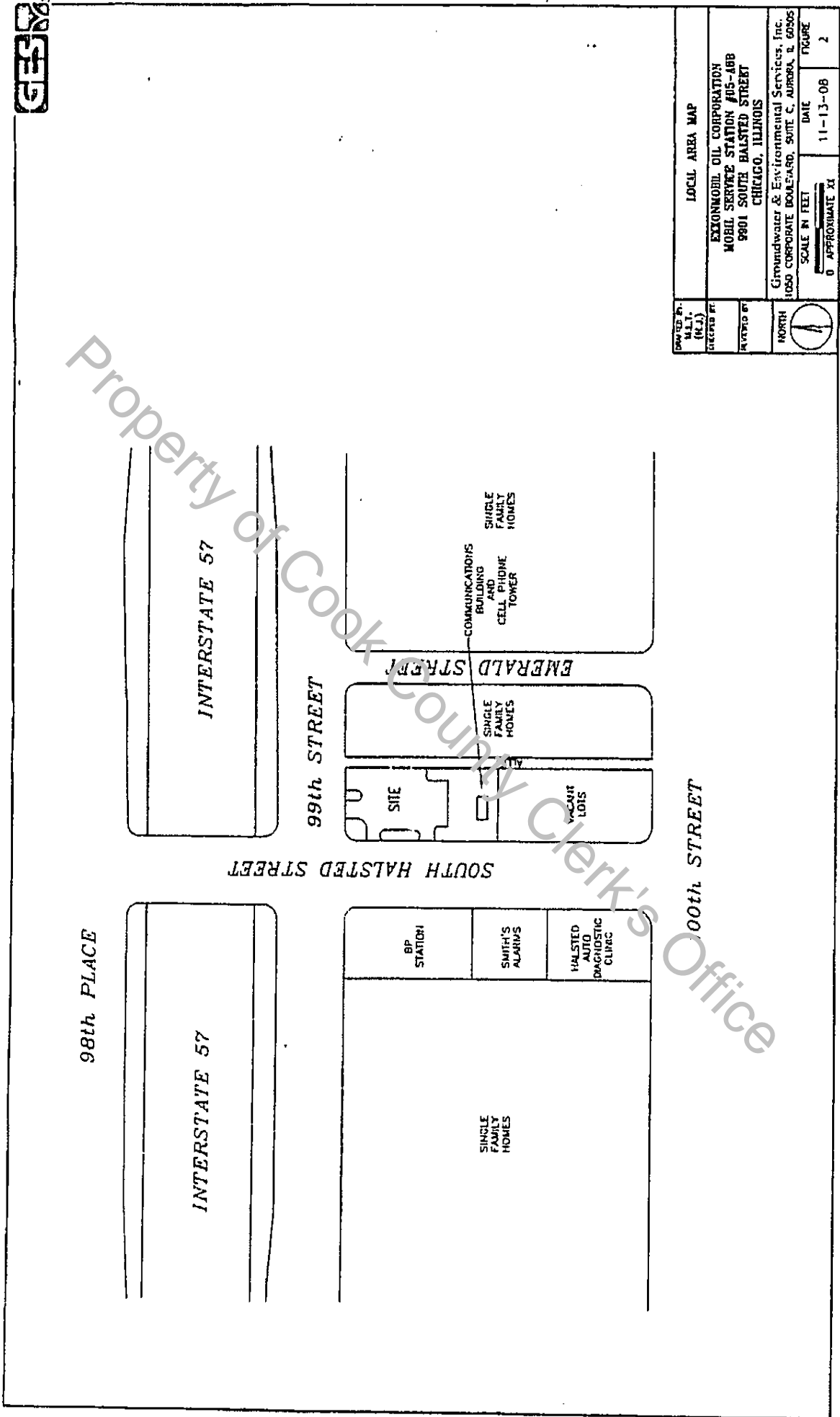
1. Legal Description or Reference to a Plat Showing the Boundaries: See Attachment
2. Common Address: 9901 South Halsted Street, Chicago, Illinois
3. Real Estate Tax Index/Parcel Index Number: 25-09-300-057-0000, 25-09-300-052-0000
4. Site Owner: Parkland Enterprises, Inc.
5. Land Use Limitation: The 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.

MTL:MW980630NFR.dot

Attachment: Site Map; Legal Description; Groundwater Ordinance #097990

# UNOFFICIAL COPY

Doc.005



Property of Cook County Clerk's Office



**UNOFFICIAL COPY****Ginocchio Enterprises, Inc.**

Title Searching Services

166 E. Grand Ave.  
 Fox Lake, IL 60020  
 Bus. (847)740-8400  
 Fax (847) 546-0994

**CURRENT OWNER, PIN, AND LEGAL REPORT**

Prepared For  
 Groundwater & Environmental Services, Inc.  
 1050 Corporate Blvd.  
 Suite C  
 Aurora, IL 60504-8423

File or Job No. Mobil 05-A8B

PIN No. 25-09-300-057-0000  
 25-09-300-052-0000

OWNER: Lakeside Bank Trust: 11-2743 Dated 8/8/04

ADDRESS: 9901 South Halsted St., Chicago, IL

LEGAL: THAT PART OF LOTS 43 AND 44 IN BLOCK 24 IN WASHINGTON HEIGHTS (HEREINAFTER DESCRIBED), LYING EAST OF THE FOLLOWING DESCRIBED LINE: BEGINNING IN THE SOUTH LINE OF LOT 43 AFORESAID 71.3 FEET EAST OF THE WEST LINE OF SECTION 9, TOWNSHIP 37 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND EXTENDING TO THE NORTH LINE OF LOT 44 AFORESAID 71.5 FEET EAST OF SAID SECTION LINE, IN EAST WASHINGTON HEIGHTS, A SUBDIVISION OF THE WEST HALF OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 37 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

AND

THAT PART OF LOTS 45, 46, AND 47 AND 48 IN BLOCK 24 IN EAST WASHINGTON HEIGHTS (HEREINAFTER DESCRIBED), LYING EAST OF THE FOLLOWING DESCRIBED LINE: BEGINNING IN THE SOUTH LINE OF LOT 45 AFORESAID, 71.5 FEET EAST OF THE WEST LINE OF SECTION 9, TOWNSHIP 37 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND EXTENDING TO THE NORTH LINE OF LOT 48 AFORESAID, 72 FEET EAST OF SAID SECTION LINE, IN EAST WASHINGTON HEIGHTS, A SUBDIVISION OF THE WEST HALF OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 37 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

# UNOFFICIAL COPY

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

ORIGINAL

# UNOFFICIAL COPY

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.

ORIGINAL

# UNOFFICIAL COPY

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.

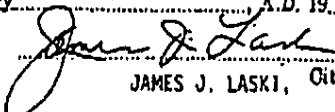
I DO FURTHER CERTIFY that the vote on the question of the passage of the said ordinance by the said City Council was taken by yeas and nays and recorded in the Journal of the Proceedings of the said City Council, and that the result of said vote so taken was as follows, to wit: Yeas 47, Nays none.

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 herunto set my hand and affixed the corporate seal of the City of Chicago aforesaid, at the said City, in the County and State aforesaid, this third (3rd) day of February, A.D. 1998.

[L.S.]

  
JAMES J. LASKI, City Clerk.

ORIGINAL

ORIGINAL





# UNOFFICIAL COPY

## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

BRUCE RAUNER, GOVERNOR

ALEC MESSINA, DIRECTOR

217/524-3300

**CERTIFIED MAIL**

JUN 16 2017

7014 2120 0002 3287 2634

ExxonMobil Environmental Services  
 Attention: Jewel Cox  
 875 West Popular Avenue, Ste. 23, #353  
 Collierville, Tennessee 38017

Re: LPC #0316535005 -- Cook County  
 Chicago/Mobil Oil Station #05-A8B  
 9901 South Halsted Street  
 Leaking UST Incident No. 980630  
 Leaking UST Technical File

Dear Ms. Cox:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information was dated February 15, 2017 and was received by the Illinois EPA on February 17, 2017. 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 Douglas Riggs, 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. ExxonMobil Environmental Services, the owner or operator of the underground storage tank system(s).



# UNOFFICIAL COPY

Page 2

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.

## 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

# UNOFFICIAL COPY

Page 3

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.
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.

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

## 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:** A building and concrete/asphalt 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 building and concrete/asphalt is to be properly maintained as an engineered barrier

# UNOFFICIAL COPY

Page 4

to inhibit inhalation and ingestion of the contaminated media.

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

### Highway Authority Agreement

IDOT 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 9901 South Halsted Street, Chicago, Illinois. Specifically, as shown on the attached map, contamination will remain in the right-of-way for Halsted Street and 99<sup>th</sup> Street as indicated in the Highway Authority Agreement #1359. 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:

Illinois Department of Transportation  
Region Five Engineer  
Attn: District Eight Environmental Studies Unit  
1102 Eastport Plaza Drive  
Collinsville, Illinois 62234

### Highway Authority Agreement

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 9901 South Halsted Street, Chicago, Illinois. Specifically, as shown on the attached map, contamination will remain in the right-of-way for Alleyway (east of site) 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

# UNOFFICIAL COPY

Page 5

Bureau of Land, FOIA Unit as detailed elsewhere in this letter. Questions regarding the Highway Authority Agreement should be directed to:

Department of Public Health  
 Raul Valdivia, Ph.D.  
 Chief Engineer, UST/LUST Section  
 333 South State Street, Rm. 200  
 Chicago, Illinois 60604

### Groundwater Use Ordinance

Ordinance #097990 adopted by the City of Chicago, in conjunction with 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:

# UNOFFICIAL COPY

Page 6

- 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.

As a part of its corrective action, the leaking underground storage tank site has relied upon Ordinance #097990 adopted by the City of Chicago, in conjunction with Section 11-8-390 of the Municipal Code of Chicago that prohibits potable uses of groundwater as defined therein.

### Concrete Base with No Open 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. It is understood that a sealed sump exists in the current building. The on-site sump must remain sealed with the approved cap and vent system. A caution label must be affixed to the vent pipe indicating the system cannot be dismantled with proper consultation. A vacuum pressure gauge must be installed on the system to provide a clear indication of when the system is operating properly and when maintenance is required. In addition, the sump cover must be resealed if it is ever removed for sump pump inspection, replacement, maintenance or for any other reason. The vent system must also be correctly maintained under such circumstances.

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

# UNOFFICIAL COPY

Page 7

Attention: Freedom of Information Act Officer  
Division of Records Management - #16  
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
  - 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

# UNOFFICIAL COPY

Page 8

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Mindy Weller, at 217/524-4647.

Sincerely,



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

MTL:MW\980630NFR.dot

Attachments: Leaking Underground Storage Tank Environmental Notice  
Site Map; Legal Description; Groundwater Ordinance #097990

cc: Timothy Marks, GES, Inc. (electronic copy), tmarks@gesonline.com  
BOL File

Property of Cook County Clerk's Office



# UNOFFICIAL COPY

**AFFIDAVIT FOR CERTIFICATION of  
DOCUMENT COPY  
(55 ILCS 5/3-5013)**

STATE OF ILLINOIS            }  
  }  
COOK COUNTY            } ss.

I, (print name) Timothy Marks being duly sworn, state that I  
have access to the copies of the attached document(s) (state type(s) of  
document(s)) Leaking Underground Storage Tank Environmental Notice (No Further  
Remediation Letter)

as executed by (name(s) of party(ies)) the Illinois Environmental Protection Agency

My relationship to the document is (ex. – Title Company, agent, attorney)  
Environmental Consultant

I state under oath that the original of this document is lost, or not in possession of  
the party needing to record the same. To the best of my knowledge the original  
document was not intentionally destroyed or in any manner disposed of for the  
purpose of introducing a copy thereof in place of the original.

Affiant has personal knowledge that the foregoing statements are true.

*Timothy B. Marks*  
Signature

6-27-17  
Date

Subscribed and sworn to before me  
this 27<sup>th</sup> day of June, 2017.

*Donna J. Larson*  
Notary Public

