

UNOFFICIAL COPY



1730746047

PREPARED BY:

Name: True North Energy, LLC
Mr. David P. Nye

Address: 2425 West Roosevelt Road
Broadview, Illinois 60155

Doc# 1730746047 Fee \$74.00

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

KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 11/03/2017 10:17 AM PG: 1 OF 19

RETURN TO:

Name: True North Energy, LLC
Mr. David P. Nye

Address: 10346 Brecksville Road
Brecksville, OH 44141

(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.: 0310300011

Leaking UST Incident No.: 860226D

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, OH 44141, 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 attachment
2. Common Address: 2425 West Roosevelt Road, Broadview, Illinois
3. Real Estate Tax Index/Parcel Index Number: 15-15-324-031-0000
4. Site Owner: True North Energy, LLC
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

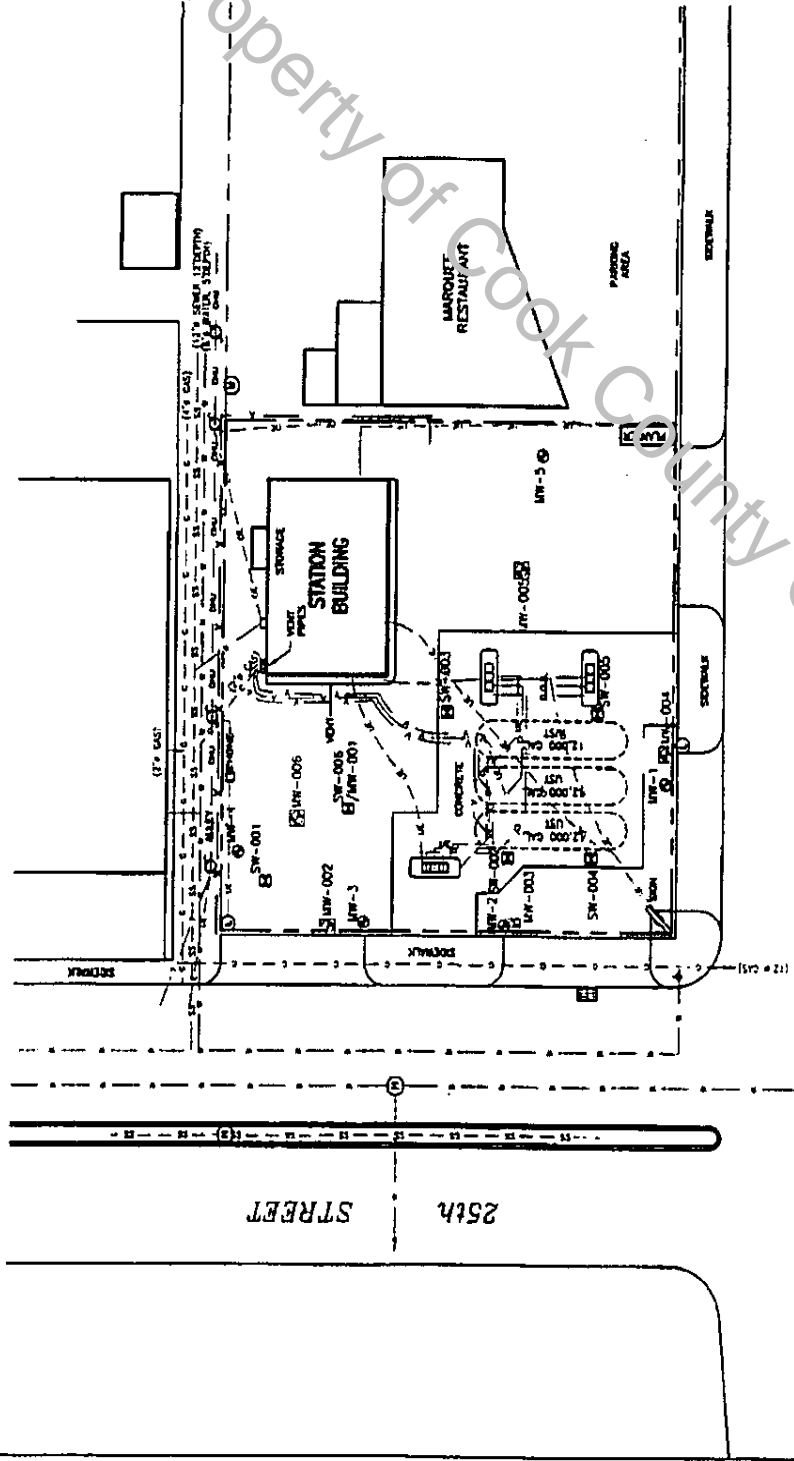
dm

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LEGEND

- PROPERTY BOUNDARY
- - - FENCE
- ⊕ FIRE HYDRANT
- ⊕ UTILITY MANHOLE
- ⊕ UTILITY POLE
- ⊕ LIGHT
- ⊕ CATCH BASIN
- ⊕ DISPENSER ISLAND
- ⊕ MONITORING WELL
- ⊕ ABANDONED MONITORING WELL
- ⊕ SUMP WELL
- UNDERGROUND SANITARY SEWER LINE
- UNDERGROUND WATER LINE
- UNDERGROUND GAS LINE
- UNDERGROUND TELEPHONE LINE
- UNDERGROUND ELECTRIC LINE
- OVERHEAD UTILITIES LINE
- OVERHEAD ELECTRIC LINE
- PRODUCT LINE
- VENT LINE



DATE: 8-7-17	SCALE: 1" = 30'	FIGURE: 3	SITE MAP
TRUB NORTH ENERGY, LLC TRUB NORTH SERVICE STATION #1002 2425 WEST ROOSEVELT ROAD BROADVIEW, ILLINOIS			
Groundwater & Environmental Services, Inc. 11550 CORPORATE BOULEVARD, SUITE C, AURORA, IL 60005			
NORTH 		DATE: 8-7-17 FIGURE: 3	

WEST ROOSEVELT ROAD

STREET 25th

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RECEIVED

Village of Broadview

Municipal Building

2350 South 25th Avenue, Broadview, Illinois 60155-3800

1-708-681-3600 • FAX 1-708-681-2018

HENRY VICENIK, Acting President (Mayor)

TRUSTEES:
SAM J. D'ANZA
ROBERT L. PAYNE
RUSSELL T. MILLER
PAULINE A. GAINES
JAMES JOHNSON, JR.

VILLAGE CLERK
MICHAEL C. KAMINSKI
COLLECTOR
RUTH MITCHELL
TREASURER
JOHN H. EVENHOUSE
VILLAGE ATTORNEYS
STAEHLIN, JANTORNI & SULLIVAN

CERTIFICATION

I, Michael C. Kaminski, do hereby certify that I am the duly elected/~~appointed~~ Village Clerk of the Village of Broadview, Illinois; that as such, I am the keeper of the Ordinances, Resolutions, Minutes, and other Public Documents in the records of the aforesaid Village; and that the foregoing is a true and correct copy of:

Ordinance - No. 2000-10

As ~~(approved), (passed),~~ (adopted) by the Board of Trustees at an officially scheduled, and publicized meeting held on Monday, August 7, 2000, and as that Ordinance, ~~Resolution, Minutes, Public Document~~ appears in the records of the Village of Broadview, Illinois as kept by me.

Dated this 16th day of August, 2000.



Michael C. Kaminski
Michael C. Kaminski
Village Clerk

RELEASABLE

DEC 11 2003

REVIEWER MM

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THE VILLAGE OF BROADVIEW
COOK COUNTY, ILLINOIS

ORDINANCE

NUMBER 2000-10

AN ORDINANCE AMENDING SECTION 8-4-9B OF THE
VILLAGE OF BROADVIEW MUNICIPAL CODE

HENRY VICENIK, Village President
MICHAEL C. KAMINSKI, Village Clerk

SAM J. D'ANZA
PAULINE A. GAINES
JAMES JOHNSON, JR.
RUSSELL T. MILLER
ROBERT L. PAYNE
MICHAEL TYL
Board of Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Broadview on August __, 2000
Odelson & Sterk, Ltd. - Village Attorney - 3318 West 95th Street - Evergreen Park, Illinois 60805

RELEASE
P. MO Date 04/14/2001

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ORDINANCE NO. 2000-10

AN ORDINANCE AMENDING SECTION 8-4-9B OF THE
VILLAGE OF BROADVIEW MUNICIPAL CODE

WHEREAS, there is in full force and effect, in the Village of Broadview, County of Cook, and State of Illinois, an ordinance prohibiting digging of wells for water; and

WHEREAS, the Illinois Environmental Protection Agency requires certain provisions to be incorporated in a village ordinance concerning water supply wells; and

WHEREAS, the Village of Broadview wishes to amend this ordinance in order to comply with the requirements of the Illinois Environmental Protection Agency.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BROADVIEW, Cook County, Illinois, as follows:

Section 1. **VILLAGE CODE AMENDED.** Section 8-4-9B of the Village of Broadview ordinance is hereby amended as follows:

Use of Groundwater as a Potable Water Supply: Prohibition:

1. Except for such uses or methods as are in existence on or before August 7, 2000, the use of, or attempted use of, groundwater, from within the corporate limits of the Village, as a Potable Water supply, by the installation or drilling of wells or by any other method, is hereby prohibited, including at points of withdrawal by the Village.
2. For purposes of this Section, potable water is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, washing dishes, preparing foods, watering lawns, or watering gardens in which produce intended for human consumption is grown.
3. Any person violating the provisions of this Section shall be subject to a fine of not to exceed \$750.00 for each violation.

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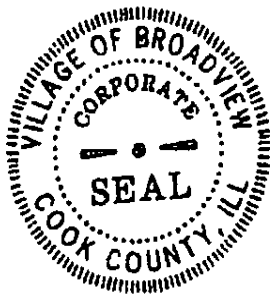
Section 2. SEVERABILITY. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not effect any of the other provisions of this Ordinance.

Section 3. EFFECTIVE DATE. This ordinance shall be in full force and effect immediately after its passage and publication as required by law.

ADOPTED by the President and Board of Trustees of the Village of Broadview, Cook County, Illinois, on August 7, 2000 by the following roll call vote:

	YES	NO	ABSENT	PRESENT
D'Anza	X			
Gaines	X			
Johnson	X			
Miller		X		
Payne	X			
Tyl	X			
(President Viceak)				
TOTAL				

APPROVED by the Village President on August 7th, 2000.



Henry Viceak
 Henry Viceak
 VILLAGE PRESIDENT

ATTEST:

APPROVED AS TO FORM:

Michael C. Kaminski
 Michael C. Kaminski
 VILLAGE CLERK

s/ Burton S. Odelson MCK
 Burton S. Odelson
 VILLAGE ATTORNEY

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David D. Orr

Clerk of Cook County

COUNTY OF COOK MAP DEPARTMENT

Date: 01-30-2014

THIS CERTIFIES THAT THE PERMANENT REAL ESTATE INDEX NUMBER KNOWN AS:

15 - 15 - 324 - 031 - 0000 BEARS THE FOLLOWING LEGAL DESCRIPTION:

LOT 462 (EXCEPT PART TAKEN FOR ROAD) IN CUMMINGS AND FOREMAN'S REAL ESTATE CORPORATION ROOSEVELT ROAD AND 17TH AVENUE SUBDIVISION OF LOTS 1 TO 5 AND 7 AND 8 IN OWNER'S PARTITION OF THE SOUTH 83.2 ACRES OF THE WEST 1/2 OF SECTION 15 TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



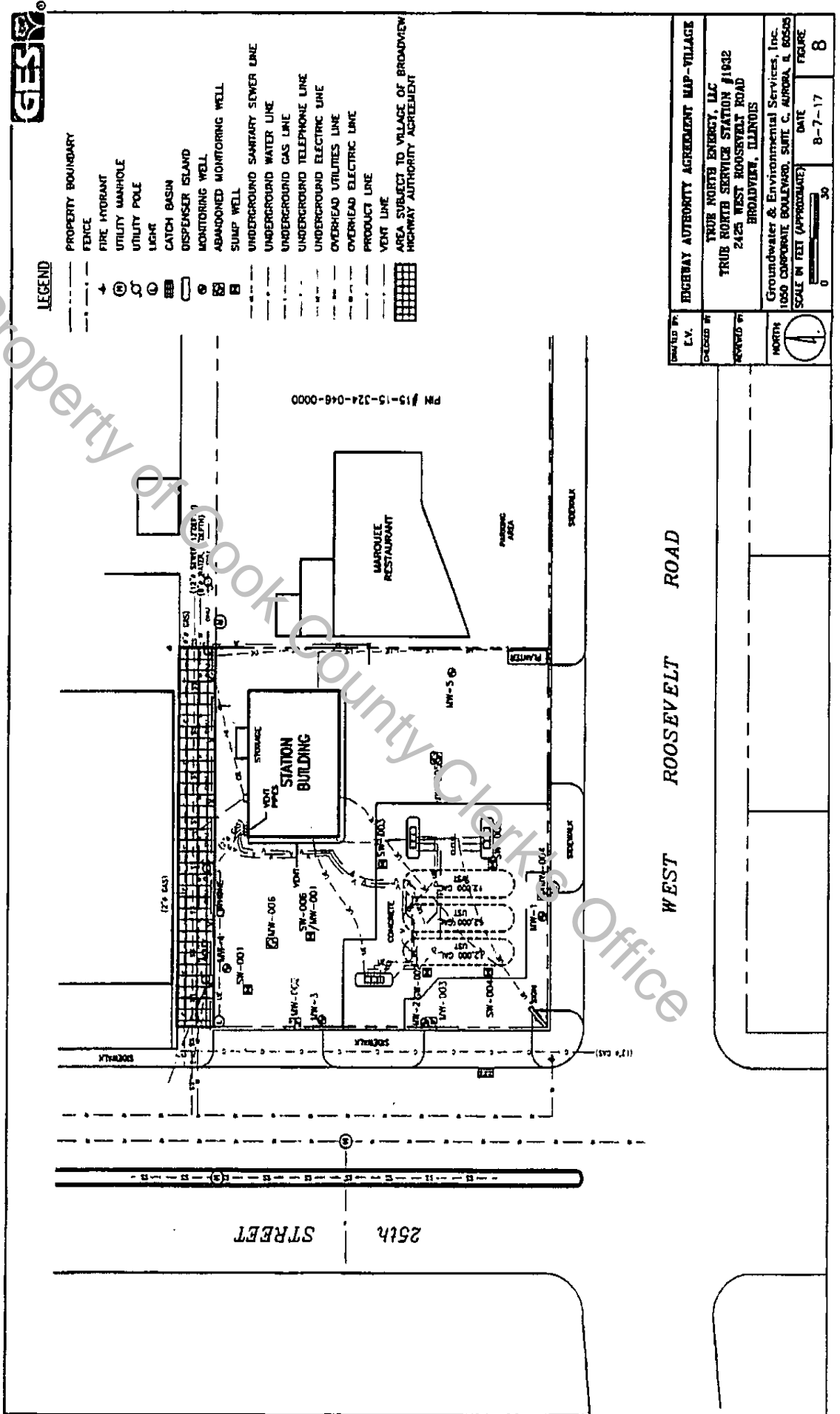
Fee: \$5.00

[Handwritten Signature]

Supervisor of Maps and Plats

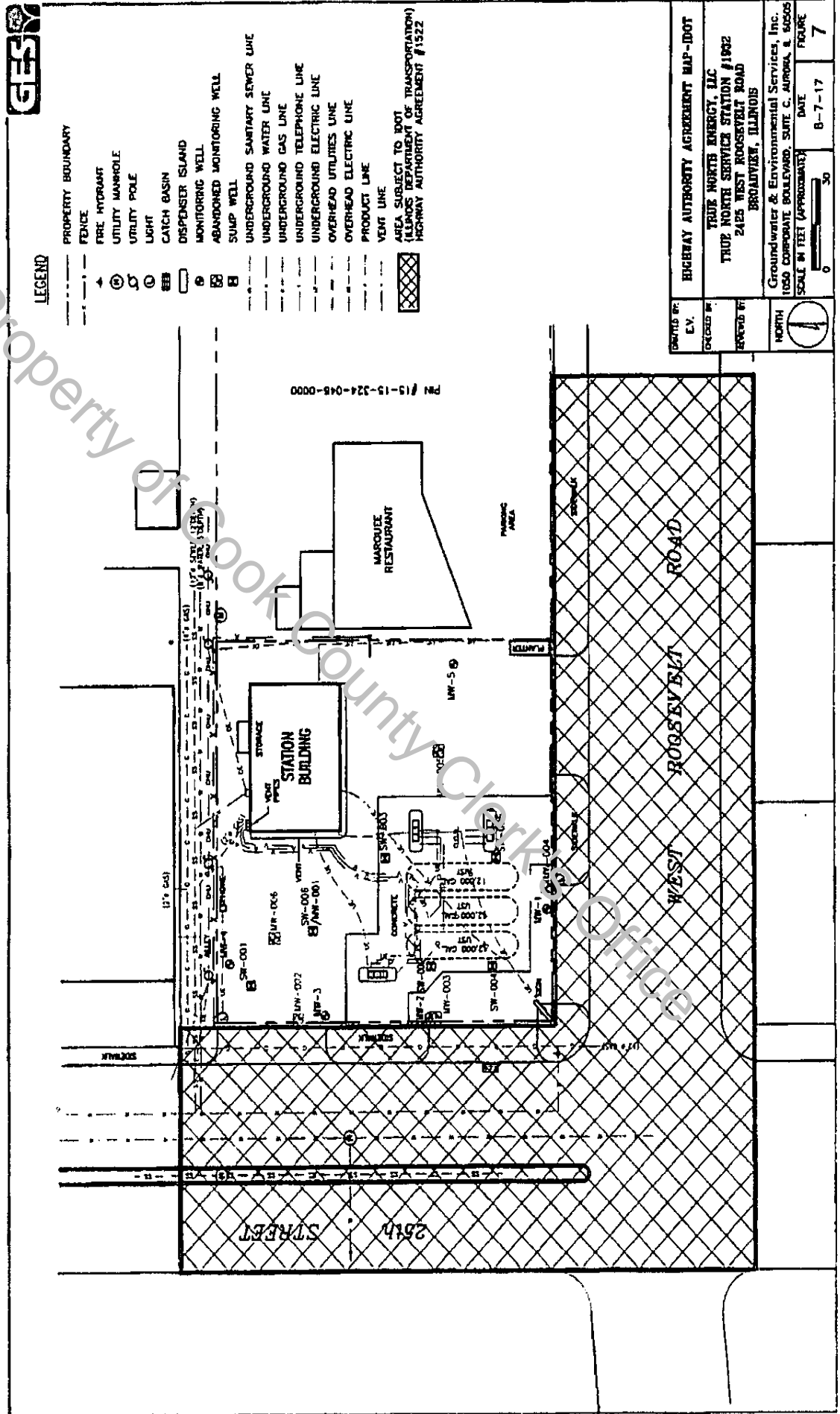
Property of Cook County Clerk's Office

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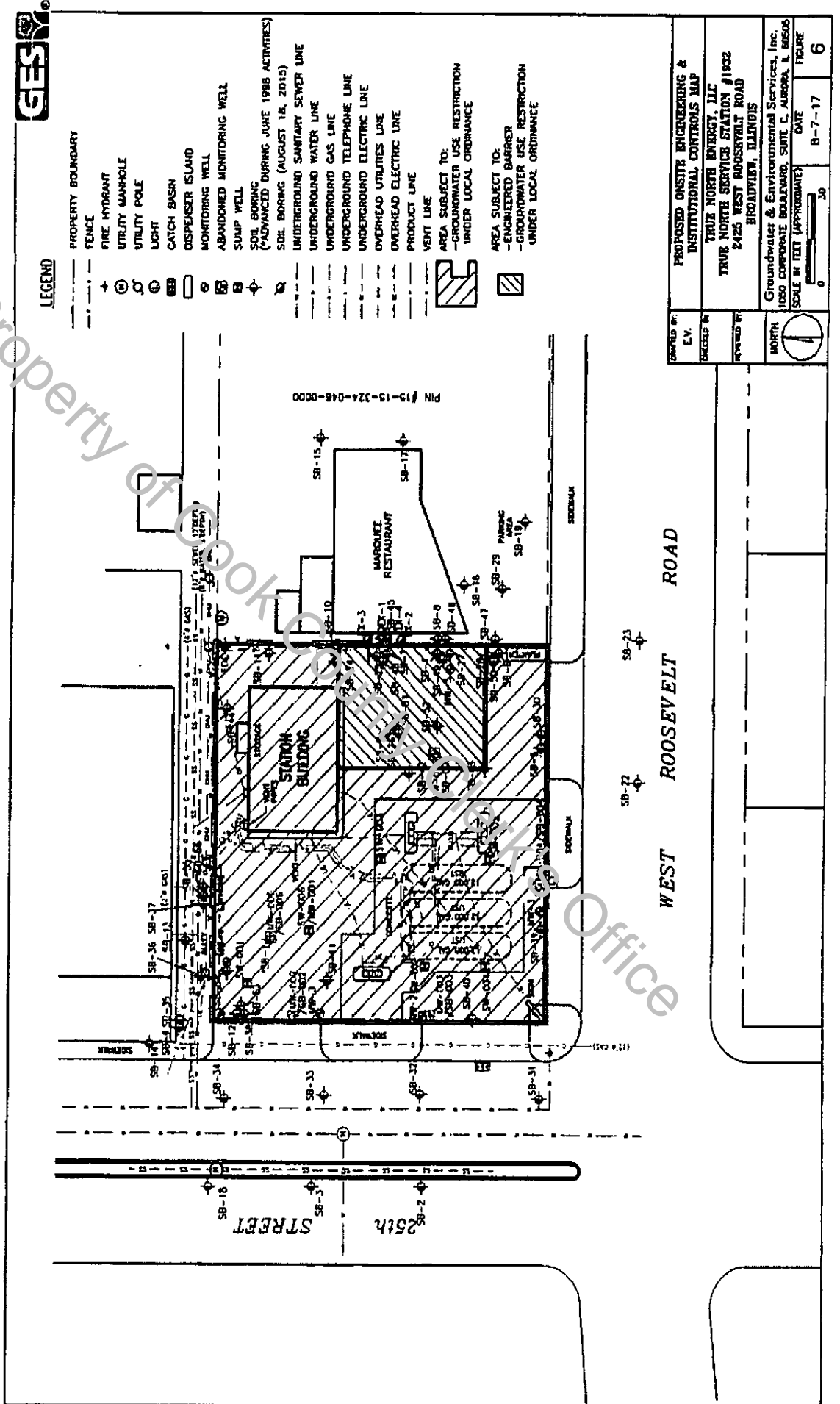
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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

7014 2120 0002 3283 2676

OCT 24 2017

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

Re: LPC #0310300011 -- Cook County
 Broadview/ True North Service Station #1932
 2425 West Roosevelt Road
 Leaking UST Incident No. 860223D -- NFR Letter
 Leaking UST Technical File

Dear Mr. Nye:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information was dated August 18, 2017 and was received by the Illinois EPA on August 25, 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 J. 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

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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. 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.
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: There are no land use limitations.
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: 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 concrete/asphalt barrier is to be properly maintained as an engineered barrier 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

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 2425 West Roosevelt Road. Specifically, as shown on the attached map, contamination will remain in the rights-of-way for West

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Roosevelt Road and 25th Street as indicated in the Highway Authority Agreement#1522. 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 One Engineer
Attn: District One Environmental Studies Unit
201 West Center Court
Schaumburg, IL 60196

Highway Authority Agreement

Village of Broadview 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 2425 West Roosevelt Road. Specifically, as shown on the attached map, contamination will remain in the right-of-way for the unnamed alley 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:

Village of Broadview
Village Hall
2350 South 25th Avenue
Broadview, Illinois 60155
708/ 345-8174

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Environmental Land Use Control

The owner or operator acknowledges and agrees that issuance of this Letter is based upon an agreement by the property owner(s) of the real property located at the common address, 2417 West Roosevelt Road, Broadview, Illinois (Property), through the use of the recorded Environmental Land Use Control (ELUC), to allow contaminated groundwater or soil to remain beneath the Property. Specifically, the owner(s) of the Property has agreed, for himself/herself and his/her heirs, grantees, successors, assigns, transferees and any other owner, occupant, lessee, possessor or user of the Property, or the holder of any portion thereof or interest therein, that certain limitations or requirements have been imposed upon the use of the Property in accordance with the terms and conditions of the recorded ELUC. Unless other remedies that may be available are satisfied, a failure to comply with the limitations or requirements of the recorded ELUC may result in voidance of this Letter. The failure to comply with the limitations or requirements of the recorded ELUC may also be grounds for an enforcement action pursuant to Title VIII of the Act.

Information regarding the recorded ELUC and/or remediation performed on the Property may be obtained from the Illinois EPA 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.

Groundwater Use Ordinance

Ordinance 2000-10 adopted by the Village of Broadview 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
 - 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

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Page 6

Broadview 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.
 - 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.

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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
Division of Records Management - #16
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-0276
8. Pursuant to 35 Ill. Adm. Code 734.120, 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:

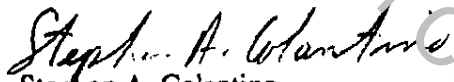
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Illinois Environmental Protection Agency
Bureau of Land - #24
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Dave Myers, at 217/785-7491.

Sincerely,


Stephen A. Colantino
Acting Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

SAC: dm: \nfr.doc

Attachments: Leaking Underground Storage Tank Environmental Notice
Site Base Map
Village of Broadview Ordinance 2000-10
Legal Description
Broadview Highway Authority Map
IDOT Highway Authority Map
Engineered Barrier Map

c: Melissa Blaha, Groundwater & Environmental Services, Inc. (electronic copy),
mblaha@gesonline.com
BOL File

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

STATE OF ILLINOIS }
 }
COOK COUNTY } ss.

I, (print name) Amber Verbick 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.

Amber Verbick

Signature

10/26/2017

Date

Subscribed and sworn to before me

this 26 day of October, 2017.

Donna J. Larson

Notary Public

