



UNOFFICIAL COPY ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

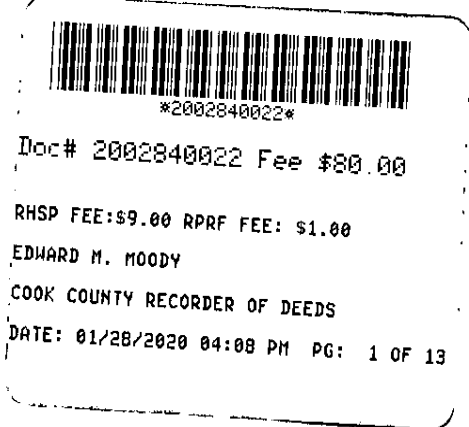
(217) 524-3300

CERTIFIED MAIL

7015 0640 0004 7788 0368

DEC 18 2019

Superior Bulk Logistics
Attn: Bob Vallandingham
711 Jorie Blvd, Suite 101 N
Oak Brook, Illinois 60523



Re: LNC #0311775030 -- Cook County
Markham/Superior Bulk Logistics Inc.
2125 West 162nd Street
Leaking UST Incident 20150619 - NFR Letter
Leaking UST Technical File

Dear Mr. Vallandingham:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information was dated November 12, 2019 and was received by the Illinois EPA on November 14, 2019. 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 Gregory D. Etter, 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. Superior Bulk Logistics Inc., 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.

4302 N. Main Street, Rockford, IL 61103 (815) 987-7760
595 S. State Street, Elgin, IL 60123 (847) 608-3131
2125 S. First Street, Champaign, IL 61820 (217) 278-5800
2009 Mall Street Collinsville, IL 62234 (618) 346-5120

9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
100 W. Randolph Street, Suite 4-500, Chicago, IL 60601

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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 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: 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

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- 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:** 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 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 building and 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:

Groundwater Use Ordinance

Ordinance No. 98-O-1644 adopted by the City of Markham 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 City of Markham 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 avoidance 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 avoidance 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 62794-9276
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.

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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, 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\20150619.doc

~~VEX~~
Attachments: Leaking Underground Storage Tank Environmental Notice
Legal Description
City of Markham Ordinance No. 98-O-1644
Institutional Control Location Map

cc: Gregory Etter, Sierra Piedmont (electronic copy)
getter@sierrapiedmont.com

PROPERTY OF COOK COUNTY CLERK'S OFFICE

UNOFFICIAL COPY**PREPARED BY:**

Name: Superior Bulk Logistics
Attn: Bob Vallandingham

Address: 2125 West 162nd Street
Markham, Illinois 60428

RETURN TO:

Name: Superior Bulk Logistics
Attn: Bob Vallandingham

Address: 711 Jorie Boulevard, Suite 101 N
Oak Brook, Illinois 60523

(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.: 0311775030

Leaking UST Incident No.: 20150619

Superior Bulk Logistics, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 711 Jorie Boulevard, Suite 101 N, Oak Brook, Illinois 60523, 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: 2125 West 162nd Street, Markham, Illinois 60428
3. Real Estate Tax Index/Parcel Index Number: 29-19-130-003-0000, 29-19-130-002-0000, 29-19-129-002-0000, 29-19-129-003-0000, 29-19-129-005-0000 and 29-19-129-006-0000
4. Site Owner: Superior Bulk Logistics
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.

Leaking Underground Storage Tank Environmental Notice

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EXHIBIT A

LEGAL DESCRIPTION

LOTS 3 AND 6 AND THE SOUTH HALF OF LOTS 2 AND 5 ALL IN BLOCK 6 AND LOT 3 AND THE SOUTH FIFTY (50) FEET OF LOT 2 ALL IN BLOCK 7 TOGETHER WITH ALL THAT PART OF VACATED LEAVITT STREET LYING BETWEEN AND ADJOINING THE FORESAID LOTS IN BLOCKS 6 AND 7 IN ANDERSON'S DIXIE HIGHWAY SUBDIVISION OF THE SOUTH 60.65 ACRES LYING WEST OF OLD VICENNES ROAD OF THE WEST HALF OF THE NORTH HALF OF SECTION 19, TOWNSHIP 36 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

29-19-130-003

29-19-130-007

29-19-129-002

29-19-129-003

29-19-129-005

29-19-129-006

Once Recorded, Return to:

Robert T. Napier
 Taslitz Smith + Hemmeschw
 11 E. Adams St. #1400
 Chicago, IL 60603

93879577

Warranty Deed



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Property of

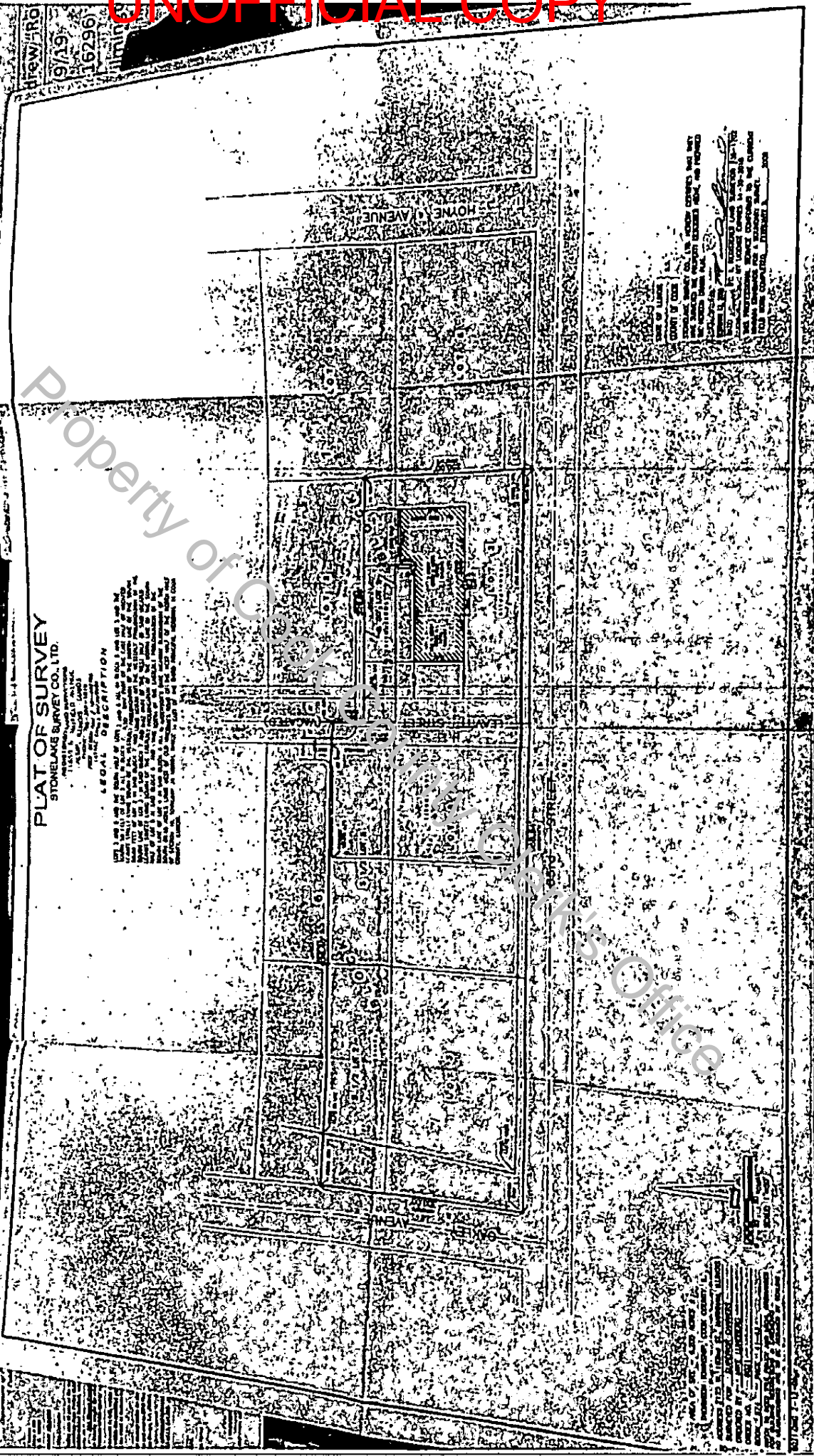
PLAT OF SURVEY

STONELAKE SURVEY CO., LTD.

STONELAKE SURVEY CO., LTD.
1100 EAST 10TH AVENUE
DENVER, COLORADO

LEGAL DESCRIPTION

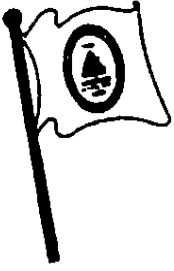
THIS PLAT OF SURVEY WAS MADE BY THE STONELAKE SURVEY CO., LTD., A CORPORATION OF THE STATE OF COLORADO, AND IS SUBJECT TO THE RECORDS OF THE COUNTY OF DENVER, COLORADO, AND IS SUBJECT TO THE RECORDS OF THE COUNTY OF DENVER, COLORADO, AND IS SUBJECT TO THE RECORDS OF THE COUNTY OF DENVER, COLORADO.



NOT TO SCALE
COUNT OF LOTS
COUNT OF COPIES
THIS PLAT OF SURVEY WAS MADE BY THE STONELAKE SURVEY CO., LTD., A CORPORATION OF THE STATE OF COLORADO, AND IS SUBJECT TO THE RECORDS OF THE COUNTY OF DENVER, COLORADO, AND IS SUBJECT TO THE RECORDS OF THE COUNTY OF DENVER, COLORADO.

STONELAKE SURVEY CO., LTD.
1100 EAST 10TH AVENUE
DENVER, COLORADO

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Phone: 708.331.4905
Fax: 708.331.8667
Police: 708.331.2171

0311775030 - Cook County
Superior Bulk Logistics, Inc.
Incident # 20150619
Leaking UST Technical File

ROGER A. AGPAWA
Mayor

JENNIFER COLES
City Clerk

BELINDA RICHARDSON
City Treasurer

CERTIFICATION

I, Jennifer Coles, do hereby certify that I am the duly elected and qualified City Clerk of the

City of Markham, Illinois, County of Cook.

I further certify that the attached is a true and correct copy of _____

Ordinance 98-O-1644 An Ordinance Prohibiting the Use of Ground Water as a Potable Water Supply by the Installation or Use of Potable Water Supply Wells or by any Other Method.

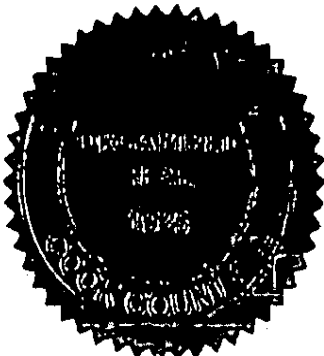
Passed by the City Council of the City of Markham at their Regular Meeting on the

17th Day of June, 1998.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of

Markham, this 4th day of December, 2019 at Markham, Illinois.

Jennifer Coles, City Clerk



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THE CITY COUNCIL OF THE CITY OF MARKHAM, ILLINOIS

Ordinance No. 98-0-1644

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

WHEREAS, the City of Markham, Illinois obtains sufficient water to meet current needs through a contract with the City of Chicago as outlined in Ordinance No. 483 and a contract between the Midlothian-Markham Water Commission and the City of Chicago, dated March 3, 1969; and,

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

WHEREAS, the City of Markham desires to limit potential threats to human health from these past commercial industrial activities while facilitating the redevelopment and productive use of said properties; Now, Therefore,

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARKHAM, ILLINOIS, as follows:

Section One. Use of groundwater as a potable water supply prohibited.

(Except for such uses or methods in existence before the effective date of this ordinance) The use or attempt to use as a potable water supply groundwater from within the corporate limits of the City of Markham, by the installation or drilling of wells or by any other method is hereby prohibited, including at points of withdrawal by the City of Markham.

Section Two. Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of up to one hundred (\$100.00) dollars for each violation.

Section Three. Definitions.

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

Ordinance No. 98-0-1644

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"Potable water" is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes or preparing foods.

Section Four. Repealer.

All ordinance or parts of ordinances in conflict with this ordinance, and specifically Ordinance No. 414, dated August 4, 1960, are hereby repealed insofar as they are in conflict with this ordinance.

Section Five. Severability.

If any provision of this ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

Section Six. Effective date.

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

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARKHAM, ILLINOIS ON THE 17th DAY OF JUNE, 1998 ON THE MOTION OF ALDERMAN

Steven Ashley AND THE SECOND OF ALDERMAN
David Webb, Jr. AND THE FOLLOWING ROLL CALL VOTE:

3 AYES, _____ NAYS, 1 ^(Dinkel) ABSTENTIONS and 6 ^(Genius) ABSENT

APPROVED BY ME THIS 17th DAY OF JUNE, 1998

Evans R Miller
EVANS R. MILLER, Mayor

ATTEST:

Theresa M. Cannon
THERESA M. CANNON, Clerk

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