

UNOFFICIAL COPY



PREPARED BY:

Name: Bethania Cemetery
Randall Leise

Address: 7701 South Archer Road
Justice, Illinois 60458

Doc# 2004213000 Fee \$88.00

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

EDWARD M. MOODY

COOK COUNTY RECORDER OF DEEDS

DATE: 02/11/2020 09:11 AM PG: 1 OF 7

RETURN TO:

Name:

TIMOTHY J. KLEIN
ATTORNEY AT LAW

Address: 290 Springfield Dr., Suite 155
Bloomington, IL 60108

(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.: 0311470004

Leaking UST Incident No.: 20191181

Bethania Cemetery, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 7701 South Archer Road, Justice, Illinois, 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 attachment.
2. Common Address: 7701 South Archer Road, Justice, Illinois
3. Real Estate Tax Index/Parcel Index Numbers: 18-26-301-002; 18-26-302-013; and 18-27-412-011
4. Site Owner: Bethania Cemetery
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

JDS

Attachment: Legal Description

Leaking Underground Storage Tank Environmental Notice

COOK COUNTY
RECORDER OF DEEDS
12/12/20
INT

UNOFFICIAL COPY

BETHANIA CEMETERY – JUSTICE

HEMA Incident No: 20191181 IEPA. LPC No. 0311470004

Legal Description

That part of the Southwest Quarter of Section 26 and the Southeast quarter of Section 27. Township 38 North Range 12 east of the Third Principal Meridian, described as follows: commencing at the Southeast corner of Lot 1 in Damar subdivision of part of the West Half of said Southwest Quarter of Section 26 and part of the east half of said Southeast Quarter of section 27, according to the plat thereof recorded July 7, 1997, as document 97486065 thence north 88°6'59" east 35.16 feet, along the North line of the South 33 feet of said Southwest Quarter of Section 26, to a line with that is 35 feet east of and parallel with the East line of aforesaid Lot 1: Thence north 3°41'07" East, along said parallel line, 216.14 feet to a point of beginning on a line that is 35 feet Northeast of and parallel with the Northeast line of said Damar Subdivision, thence continuing North 3°41'7" East, along last described line, extended 75.85 feet to a line that is 35.00 feet Northeast of and parallel with the Northeast line of said Damar Subdivision; thence North 48°35'37" West, 235.40 feet; thence south 41°24'23" west 60 feet to a line that is 35 feet north of and parallel with aforesaid northeast line of Damar subdivision; Thence north 48°35'37" west, along said parallel line 122.77 feet to the southeast line of Archer Avenue. Thence north 44°46'09" east, along said southeast line 113.28 feet; thence northeasterly, along said southeast line being a curve convex to the southeast and having a radius of 1784.89 feet and 483.30 foot chord bearing north 42°36'14 east; an arc distance of 464.81 feet; thence northeasterly, along said southeast line being a curve convex to the southeast and having a radius of 3558.02 feet and a 289.92 foot chord bearing north 38°54'43" east an arc distance of 282.03 feet to a point of tangency: Thence north 37°34'37" east, along said southeast line 1881.01 feet: Thence south 70°4'08" west 35.27 feet to the center of ditch conveyed to the Catholic bishop of Chicago by warranty deed recorded June 10, 1904. As document 3550842; Thence south 38°28'05" east, along said center line 198.12 feet. Thence south 48°31'26" east, along said center line, 175.18 feet to the west line of property conveyed to Ernest Wunderlich by warranty deed recorded July 11, 1904. As document 3563853; Thence south 2°01'14" east, along said west line 290.33 feet to the south line of property conveyed by said document 3583853; Thence north 38°14'02" east along said south line 3.00 feet to the east line of Lot 5 in Coburn's subdivision of the east half of the northwest quarter and the east half of the southwest quarter and the west half of the southeast quarter of said section 26, according to the plat thereof recorded October 6, 1806. As document 2449648; thence south 2°01'14" east, along said east line 1189.01 feet to the north line of the south 79 feet of said lot 3; thence south 88°18'59" west, along said north line 327.00 feet to the west line of the east 227 feet of said lot 5; thence south 2°01'14" east, along said west line 797.01 feet to the north line of the south 33 feet of said southwest quarter of section 26, thence south 86°16'39" west, along said north line 1438.71 feet to the point of beginning in Cook County Illinois.

Commonly Known As:

7701 South Archer Avenue Justice IL 60458

Parcel Identification Number

18-26-301-002

18-26-302-013

18-27-412-011



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

7018 1830 0000 5289 4150

JAN 24 2020

Bethania Cemetery
Attn: Randall Leise
7701 South Archer Road
Justice, Illinois 60458

Re: 0311470004 -- Cook County
Justice/Bethania Cemetery
7701 South Archer Road
Leaking UST Incident 20191181 -- NFR Letter
Leaking UST Technical File

Dear Mr. Leise:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Early Action Tier 1 Remediation Objectives Compliance Report submitted for the above-referenced incident. This information was dated December 12, 2019 and was received by the Illinois EPA on December 12, 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 Early Action Tier 1 Remediation Objectives Compliance Report and the Licensed Professional Engineer Certification submitted pursuant to Section 57.6 of the Act and 35 Ill. Adm. Code 734.135(d) indicate the remediation objectives have been met.

Based upon the certification by Jeff Wienhoff, 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. Bethania Cemetery, the owner or operator of the underground storage tank system(s).
2. Any parent corporation or subsidiary of such owner or operator.

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

UNOFFICIAL COPY

Page 2

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. 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

UNOFFICIAL COPY

Page 3

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: None.
 Institutional: This Letter shall be recorded as a permanent part of the chain of title for the above-referenced site, more particularly described in the attached Leaking Underground Storage Tank Environmental Notice of this Letter.
5. Failure to establish, operate, and maintain controls in full compliance with the Act, applicable regulations, and the approved corrective action plan, if applicable, may result in voidance of this Letter.

OTHER TERMS

6. Any contaminated soil or groundwater removed or excavated from or disturbed at, the above-referenced site, more particularly described in the Leaking Underground Storage Tank Environmental Notice of this Letter, must be handled in accordance with all applicable laws and regulations under 35 Ill. Adm. Code Subtitle G.
7. Further information regarding the above-referenced site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

Illinois Environmental Protection Agency
 Attention: Freedom of Information Act Officer
 Division of Records Management - #16
 1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, Illinois 62794-9276

UNOFFICIAL COPY

Page 4

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:

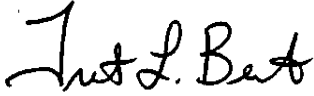
Illinois Environmental Protection Agency
Bureau of Land - #24
Leaking Underground Storage Tank Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

UNOFFICIAL COPY

Page 5

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Jake Sherell, at (217) 524-1654.

Sincerely,



Trent L. Benanti, P.E.

Unit Manager

Leaking Underground Storage Tank Program

Remedial Project Management Section

Bureau of Land

Attachments: Leaking Underground Storage Tank Environmental Notice

c: David Nowack, Green Wave Consulting, LLC (electronic copy)
BOL File

Property of Cook County Clerk's Office