

# UNOFFICIAL COPY

PREPARED BY:

Name: Alan Cubberley  
RDK Ventures, LLC  
Address: 827 Elmhurst Road  
Des Plaines, IL 60016



Doc# 2029517136 Fee \$93.00

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

EDWARD M. MOODY

COOK COUNTY RECORDER OF DEEDS

DATE: 10/21/2020 03:55 PM PG: 1 OF 7

RETURN TO:

Name: Alan Cubberley  
RDK Ventures, LLC  
Address: 1100 Situs Court, Suite 100  
Raleigh, NC 27606

(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.: 0310635686

Leaking UST Incident No.: 20190503

RDK Ventures, LLC, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 1100 Situs Court, Suite 100, Raleigh, North Carolina, 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: 827 S Elmhurst Road, Des Plaines, Illinois
3. Real Estate Tax Index/Parcel Index Number: 08-24-100-031-0000
4. Site Owner: RDK Ventures, LLC
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.

BF

Attachment: Site Base Map  
Legal Description

Handwritten notes and signatures in the bottom right corner, including a large signature and the word "NOT" written vertically.

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### LEGEND

- PROPERTY BOUNDARY
- ▭ CATCH BASIN
- ⊙ UTILITY MANHOLE
- ⊙ UTILITY POLE
- ⊙ LIGHT POLE
- ⊙ FORMER DISPENSER ISLAND
- FORMER PRODUCT PIPING
- ⊙ MONITORING WELL
- UNDERGROUND STORM SEWER LINE
- UNDERGROUND ELECTRIC LINE
- ▭ AREA SUBJECT TO GROUNDWATER USE RESTRICTION

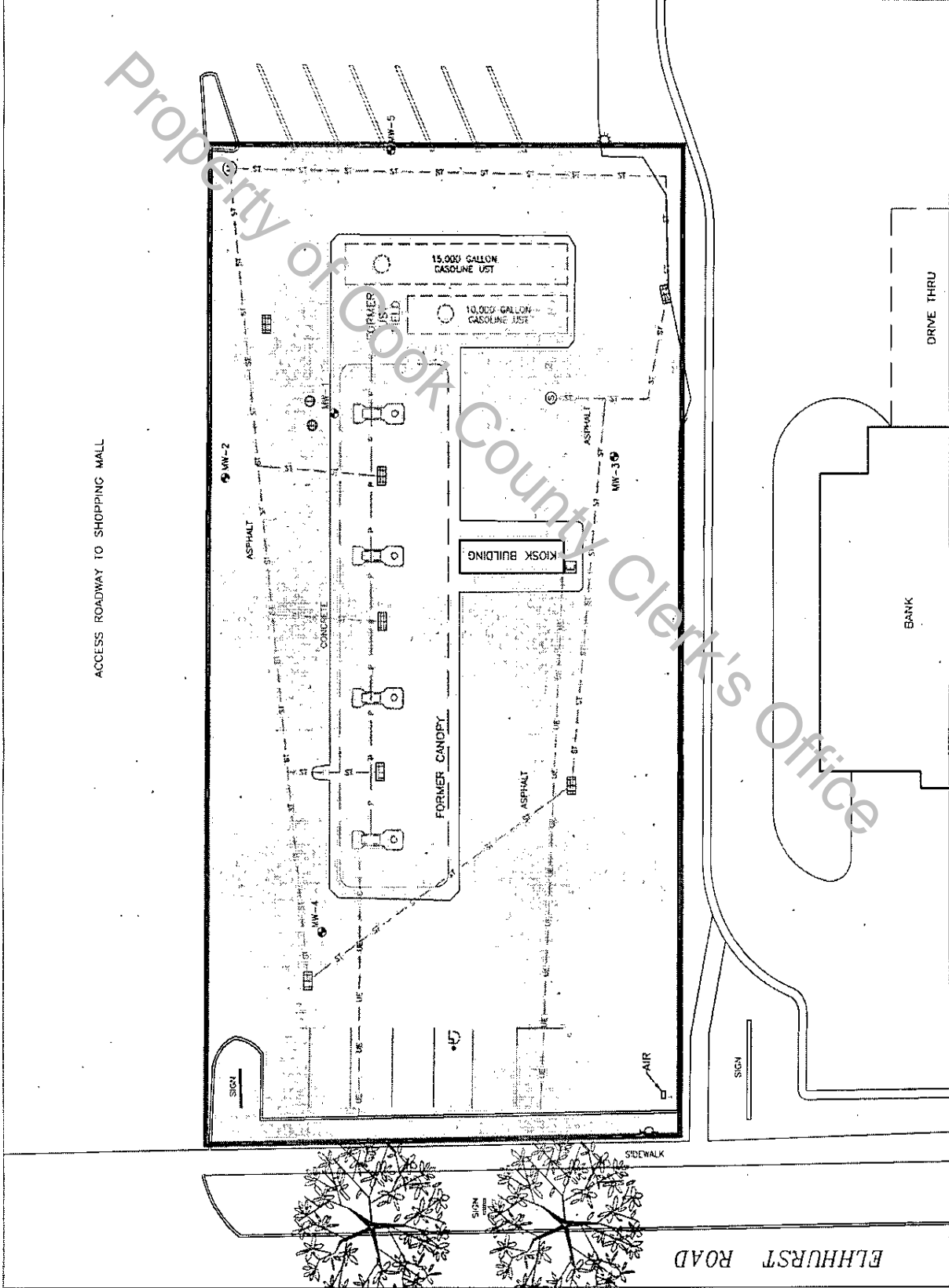
Proposed On-Site Institutional Control Map  
 RDK Ventures LLC  
 Circle K Store # 4706846  
 827 South Elmhurst Road  
 Des Plaines, Illinois

Drawn: E.V.  
 Designed:  
 Approved:

Date: 01/20/20  
 Figure: 1

Scale in Feet (Approximate): 0 20

**GESI**  
 Geotechnical Engineering & Surveying, Inc.



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## EXHIBIT A

Property

(legal description sale property)

Lot 2 in Vandercar Subdivision, being a Subdivision of Part of the West ½ of the Northwest ¼ of Section 24, Township 41 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded June 18, 2008 as Document 0817016012, in Cook County, Illinois.

Common Address: 827 S. Elmhurst Road, Des Plaines Illinois (#3473/6846)

Real Estate Index Number: 08-24-100-031-0000

Property of Cook County Clerk's Office



# 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

REC'D JUN 25 2020

CERTIFIED MAIL

7018 1830 0000 5282 7899

JUN 16 2020

Alan Cubberley  
RDK Ventures, LLC  
1100 Situs Court, Suite 100  
Raleigh, NC 27606

Re: 0310655686 – Cook County  
Des Plaines/RDK Ventures, LLC  
827 South Elmhurst Road  
Leaking UST Incident 20190503 -- NFR Letter  
Leaking UST Technical File

Dear Mr. Cubberley:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information was dated May 26, 2020 and was received by the Illinois EPA on June 1, 2020. 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 environment. Pursuant to Section 57.10(d) of the Act, this Letter shall apply in favor of the following parties:

1. RDK Ventures, 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.

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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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 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
  - b. A new No Further Remediation Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

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## PREVENTIVE, ENGINEERING, AND INSTITUTIONAL CONTROLS

4. Preventive: 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: 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 avoidance 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, 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 avoidance, explain the provisions for appeal, and describe the facts in support of the avoidance. Specific acts or omissions that may result in the avoidance 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;

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- 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

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Becky Fiedler, at (217) 785-7115 or [Becky.Fiedler@illinois.gov](mailto:Becky.Fiedler@illinois.gov).

Sincerely,



Michael T. Lowder  
 Unit Manager  
 Leaking Underground Storage Tank Program  
 Remedial Project Management Section  
 Bureau of Land

Attachments: Leaking Underground Storage Tank Environmental Notice  
 Site Base Map  
 Legal Description

**KBX**  
 c:

Alan Cubberley, RDK Ventures, LLC, (electronic copy), [acubberley@Circlek.com](mailto:acubberley@Circlek.com)  
 Amber Verbick, Groundwater & Environmental Services, Inc. (electronic copy),  
[averbick@gesonline.com](mailto:averbick@gesonline.com)  
 Groundwater & Environmental Services, Inc. (electronic copy),  
[GreatLakesRegion@gesonline.com](mailto:GreatLakesRegion@gesonline.com)  
 BOL File