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KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 07/13/2021 09:13 AM PG: 1 OF 12

PREPARED BY:

Name: Marathon Petroleum Company LP. By MPC Inve.  
Attention: Mr. Timothy Peterkoski

Address: 539 S. Main Street  
Findlay, Ohio 45840

RETURN TO:

Name: Marathon Petroleum Company LP. By MPC Inve.  
Attention: Mr. Timothy Peterkoski

Address: 539 S. Main Street  
Findlay, Ohio 45840

(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.: 0312735067

Leaking UST Incident No.: 903085 & 931168

Marathon Petroleum Company LP. By MPC Inve., the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 539 S. Main Street, Findlay, Ohio 45840, 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 Attached
2. Common Address: 3005 Kirchoff Road, Rolling Meadows, Illinois
3. Real Estate Tax Index/Parcel Index Number: 02-36-105-021-0000
4. Site Owner: Golden Fuel, Inc, Attention Mr. Ravi Harsoor
5. Land Use Limitation: The land use shall be industrial/commercial.
6. See the attached No Further Remediation Letter for other terms.

jrm



# 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**

7020 2450 0000 1707 7314

JUN 18 2021

Marathon Petroleum Company LP. By MPC Inve.  
Attention: Mr. Timothy Peterkoski  
539 S. Main Street  
Findlay, Ohio 45840

Re: LPC 0312735067 -- Cook County  
Rolling Meadows/ Former Speedway LLC No. 7763  
3005 Kirchoff Road  
Leaking UST Incident 903085 & 931168 – NFR Letter  
Leaking UST Technical File

Dear Mr. Peterkoski:

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 26, 2021 and was received by the Illinois EPA on March 31, 2021. 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 the Professional Engineer Certification submitted pursuant to Section 57.7(b)(1) of the Act indicate the remediation objectives have been met.

Based upon the certification by William E. Schaefer, 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. Marathon Petroleum Company LP. By MPC Inve., the owner or operator of the underground storage tank system(s).
2. Any parent corporation or subsidiary of such owner or operator.

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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 requirements of the Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) rules.

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Issuance of this Letter is authorized pursuant to 35 Ill. Adm. Code 734.350(e). The owner or operator of the underground storage tank system(s) that is the subject of the above-referenced incident has demonstrated, to the Illinois EPA's satisfaction, an inability to obtain access to the adjoining or off-site property listed below despite best efforts as provided in 35 Ill. Adm. Code 734.350. Therefore, the owner or operator is not required to perform corrective action on the adjoining or off-site property. Issuance of this Letter does not relieve the owner or operator of the responsibility to clean up a release that has migrated beyond the property boundary even where off-site access is denied (35 Ill. Adm. Code 734.350(f)).

## Address

Kirchoff Road

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.

## 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.

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**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.

## Future Building Control Technology

No building shall be occupied within the area depicted on the attached site map unless a building control technology (BCT) meeting the requirements of 35 Ill. Adm. Code 742.Subpart L is in place and operational prior to human occupancy. Effective maintenance of the BCT is required.

If the BCT becomes inoperable, the property owner shall notify building occupants and workers to implement protective measures consistent with good industrial hygiene practice. Failure to install or maintain a BCT shall be grounds for voidance of the no further remediation determination and this No Further Remediation Letter memorializing the Illinois EPA's no further remediation determination.

## 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.

## Groundwater Use Ordinance

Groundwater Ordinance 01-52 adopted by the City of Rolling Meadows 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 Rolling Meadows 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.

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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.

## 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;
- 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

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- 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 62704-9276

If you have any questions or need further assistance, please contact James R. Malcom, III at (217) 524-9140 or at [James.Malcom@illinois.gov](mailto:James.Malcom@illinois.gov).

Sincerely,



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

Attachments: Leaking Underground Storage Tank Environmental Notice  
Legal Description  
Rolling Meadows Groundwater Ordinance  
Site Base Map

*KEK*

cc: . ATC Group, Jenny Rother (electronic copy), <[Jenny.Rother@atcgs.com](mailto:Jenny.Rother@atcgs.com)>BOL File  
BOL File



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## Legal Description

Former Speedway LLC No. 7763  
3005 Kirchoff Road, Rolling Meadows, Illinois

PERMANENT INDEX NUMBER : 02-36-105-021-0000

THAT PART OF LOT "S" IN ROLLING MEADOWS UNIT NUMBER 8, BEING A SUBDIVISION IN THAT PART OF THE WEST ½ OF SECTION 36, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF KIRCHOFF ROAD, ACCORDING TO THE PLAT THEREOF REGISTERED IN THE OFFICE OF THE REGISTRAR OF TITLES OF COOK COUNTY, ILLINOIS, AS DOCUMENT NO. LR1608437, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTHERLY LINE OF SAID LOT "S", 150 FEET WESTERLY OF THE NORTHEASTERLY CORNER OF SAID LOT "S"; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT "S" 150 FEET; THENCE SOUTHERLY AT RIGHT ANGLES TO THE NORTHERLY LINE OF SAID LOT "S" 150 FEET; THENCE EASTERLY PARALLEL TO THE NORTHERLY LINE OF SAID LOT "S" 150 FEET; THENCE NORTHERLY PARALLEL TO THE EASTERLY LINE OF SAID LOT "S" 150 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

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ORDINANCE NO. 01-52

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

WHEREAS, certain property in the City of Rolling Meadows, Illinois, has been used over a period of time for commercial/industrial purposes; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1 residential remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the City of Rolling Meadows desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are the source of said chemical constituents.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rolling Meadows, Illinois:

**SECTION ONE:** Installation of new wells for use of groundwater as a potable water supply prohibited.

Except for such waterwells, uses or methods in existence before the effective date of this Ordinance, the use or attempt to use as a potable water supply groundwater generated by the installation or drilling of new wells or by any other method, including at points of withdrawal by the City, within the corporate limits of the City of Rolling Meadows lying east of Illinois Route 53 is hereby prohibited.

**SECTION TWO: Penalties.** Any person violating the provisions of this Ordinance shall be subject to a fine of up to One Thousand and no/100 (\$1,000.00) per day for each violation.

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

"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 ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed insofar as they are in conflict with this Ordinance.

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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.

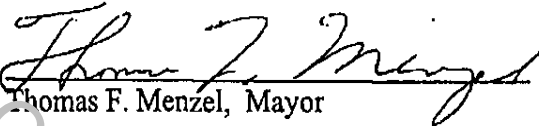
SECTION SEVEN: Publication. This Ordinance shall be printed and published in pamphlet form by order of the City Council of Rolling Meadows, Illinois.

YEAS: Nelson, Staley, Jungmann, Rooney, Adams, D'Astice, Bales

NAYS: 0

ABSENT: 0

Passed and Approved this 18th day of December, 2001.

  
Thomas F. Menzel, Mayor

ATTEST:

  
Patricia S. Weicker, City Clerk

Published this 19th day of December, 2001.

  
Patricia s. Weicker, City Clerk

