



2322715001

Doc# 2322715001 Fee \$88.00

PREPARED BY:

Name: Mary Wojciechowski
BP Products North America Inc.

Address: 3601 North Rose Avenue
Franklin Park, Illinois 60131

RETURN TO:

Name: Mary Wojciechowski
BP Products North America Inc.

Address: 150 West Warrenville Road
Naperville, IL 60563

RHSP FEE:\$18.00 RPRF FEE: \$1.00

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 08/15/2023 09:57 AM PG: 1 OF 16

(THE ABOVE SPACE FOR RECORDER'S OFFICE)

LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE

THE OWNER AND/OR OPERATOR OF THE LEAKING UNDERGROUND STORAGE TANK(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 Number: 0310965245

LUST Incident No.: 932826

BP Products North America Inc., the owner and operator of the leaking underground storage tank(s) associated with the above-referenced incident, whose address is 150 West Warrenville Road, Naperville, Illinois, 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: Lot 75 (except the South 103.50 feet of the East 80 feet of Lot 75) in Frank Lon Homes Chicago Unit 4, a Subdivision of that part lying West of the right of way of the Chicago Minneapolis and Sault St. Marie Railway Company of the South ½ of the South ½ of the Northwest Fractional ¼ of Fractional Section 22, Township 40 North, Range 12, East of the Third Principal Meridian, in Cook County, Illinois.
2. Common Address: 3601 North Rose Avenue, Franklin Park, Illinois
3. Real Estate Tax Index/Parcel Index Number: 12-22-103-026
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.

HAA:SJ\Amoco Rose St, Franklin Park LUST 932826 NFR.doc

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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

RECORDING REQUIREMENTS FOR NO FURTHER REMEDIATION LETTERS

Introduction

The Illinois Environmental Protection Agency's (Illinois EPA) Bureau of Land/Leaking Underground Storage Tank Section issues a No Further Remediation (NFR) Letter after a demonstration of compliance with Title XVI of the Environmental Protection Act and applicable regulations is made. The NFR Letter 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 so long as the site is used in accordance with the terms and conditions of the NFR Letter.

Significance

When properly recorded, the NFR Letter holds legal significance for all applicable parties outlined at Section 57.10(d) of the Environmental Protection Act. (Sec 415 ILCS 5/57.10(d).) If not properly recorded, the Illinois EPA will take steps to void the NFR Letter in accordance with the regulations.

Duty to Record

The duty to record the NFR Letter is *mandatory*. You *must* submit the NFR Letter, with a copy of any applicable institutional controls proposed as part of a corrective action completion report, to the Office of the Recorder or the Registrar of Titles of the county in which the site is located *within 45 days after receipt of the NFR Letter*. You must record the NFR Letter and any attachments. The NFR Letter shall be filed in accordance with Illinois law so that it forms a permanent part of the chain of title to ensure current and future users of the property will be informed of the conditions and terms of approval including level of remediation; land use limitations; and preventive, engineering, and institutional controls. A certified or otherwise accurate and official copy of the NFR Letter and any attachments, as recorded, must be submitted to the Illinois EPA. Failure to record the NFR Letter in accordance with the regulations will make the NFR Letter voidable.

For More Information

Please refer to the Tiered Approach to Corrective Action Objectives (TACO) fact sheet entitled *No Further Remediation Letters*, which is available from the Illinois EPA by calling (217) 524-3300 or by accessing it on the Illinois EPA Web site at

<https://www2.illinois.gov/epa/topics/cleanup-programs/taco/fact-sheets/Pages/no-further-remediation-letters.aspx>.



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JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217/782-6762

CERTIFIED MAIL

Originally Issued: NOV 08 2001

7022 2410 0001 5388 0946

Revised: AUG 12 2022

Reissued: **AUG 02 2023**

Mary Wojciechowski
BP Products North America Inc.
150 West Warrenville Road
Naperville, IL 60563

Re: LPC #0310965245 -- Cook County
Franklin Park/Amoco Oil #5461
3601 Rose Avenue
LUST Incident No. 932826
LUST Technical File

Dear Ms. Wojciechowski:

The Illinois Environmental Protection Agency ("Illinois EPA") has reviewed the No Further Remediation Request submitted for the above-referenced incident. This information is dated September 20, 2001; was received by the Illinois EPA on September 21, 2001; and was prepared by Delta Environmental Consultants, Inc. Citations in this letter are from the Environmental Protection Act ("Act") and 35 Illinois Administrative Code ("35 IAC"). This letter has been revised to replace Ordinance 9899-VC-15 with Ordinance Number 2122-G-56 and to update the contact's name and mailing address. This letter has been reissued to replace a lost letter.

The High Priority Corrective Action Completion Report and associated Professional Engineer Certification 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(c)(1)(E) of the Act and 35 IAC Section 732.409(a)(2) have been satisfied.

Based upon the certification by David Tully, a Registered Professional Engineer of Illinois, 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 Registered 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 occurrence has been completed; and (3) no further remediation 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 persons:

2125 S. First Street, Champaign, IL 61820 (217) 278-5800
1101 Eastport Plaza Dr., Suite 100, Collinsville, IL 62234 (618) 346-5120
9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000
595 S. State Street, Elgin, IL 60123 (847) 608-3131

2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022
4302 N. Main Street, Rockford, IL 61103 (815) 987-7760

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1. BP Products North America Inc.;
2. The owner and operator of the UST(s);
3. Any parent corporation or subsidiary of the owner or operator of the UST(s);
4. 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;
5. Any holder of a beneficial interest of a land trust or inter vivos trust, whether revocable or irrevocable;
6. Any mortgagee or trustee of a deed of trust of the owner of the site or any assignee, transferee, or any successor-in-interest of the owner of the site;
7. Any successor-in-interest of such owner or operator;
8. 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; or
9. Any heir or devisee of such owner or operator.

This Letter and all attachments, including but not limited to the Leaking Underground Storage Tank Environmental Notice, must be filed within 45 days of its receipt as a single instrument with the Office of the Recorder or Registrar of Titles in the County where the above-referenced site is located. In addition, the Groundwater Ordinance, Ordinance Number 2122-G-56 (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. This site was classified as "High Priority" in accordance with Section 57.7(b)(3) of the Act and 35 IAC Section 732.304. In accordance with 35 IAC Section 732.404(a), the

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owner or operator has remediated or addressed each of the criteria that caused the site to be classified as High Priority.

2. As a result of the release from the underground storage tank(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.

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.

Highway Authority Agreement

The Illinois Department of Transportation agrees, through the use of a Highway Authority Agreement, to allow contaminated groundwater or soils to remain beneath its highway right-of-way adjacent to the site located at 3601 North Rose Avenue, Franklin Park, Illinois. Specifically, as shown in the attached map, contamination will remain in the right-of-way for North Rose Avenue as indicated in the Highway Authority Agreement. The Highway Authority agrees to prohibit the use groundwater under the highway right-of-way that is contaminated above Tier 1 groundwater remediation objectives from the release as a potable or other domestic supply of water. 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

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Authority Agreement should be directed to John Kos of the Illinois Department of Transportation 847/705-4110.

Groundwater Use Ordinance

Ordinance Number 2122-G-56 adopted by the Village of Franklin Park 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 thirty (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 Franklin Park must receive written notification from the owner/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 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;

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- iv) A statement that the ordinance restricting the groundwater use has been 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 an institutional control recorded.
5. Failure to establish, operate, and maintain controls in full compliance with the Act, applicable regulations, and the approved corrective action plan 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.
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
 Bureau of Land - #24
 1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, IL 62794-9276

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8. Pursuant to Section 57.10(e) of the Act (415 ILCS 5/57.10(e)), 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(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.

Within 35 days after the date of mailing of this final decision, the owner or operator may petition for a hearing before the Illinois Pollution Control Board ("Board") to contest the decision of the Illinois EPA. (For information regarding the filing of an appeal, please contact the Board at 312/814-3620.) However, the 35-day period for petitioning for a hearing may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the owner or operator and the Illinois EPA within the 35-day initial appeal period. (For information regarding the filing of an extension, please contact the Illinois EPA's Division of Legal Counsel at 217/782-5544.)

Submit the certified copy of this letter, as recorded, to:

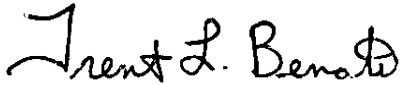
Illinois Environmental Protection Agency
Bureau of Land - #24
LUST Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

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If you have any questions or need further assistance, please contact the Illinois EPA project manager, Steve Jones, at 217/524-1253.

Sincerely,



Trent L. Beranti, P.E.
Unit Manager
Leaking Underground Storage Tank Section
Bureau of Land

HAA:SI\Amoco Rose S., Franklin Park LUST 932826 NFR.doc

Attachments: Leaking Underground Storage Tank Environmental Notice
Highway Authority Agreement Site Map
Ordinance Number 2122-G-56

cc: Delta Environmental Consultants, Inc.
Village of Franklin Park
Division File

Property of Cook County Clerk's Office

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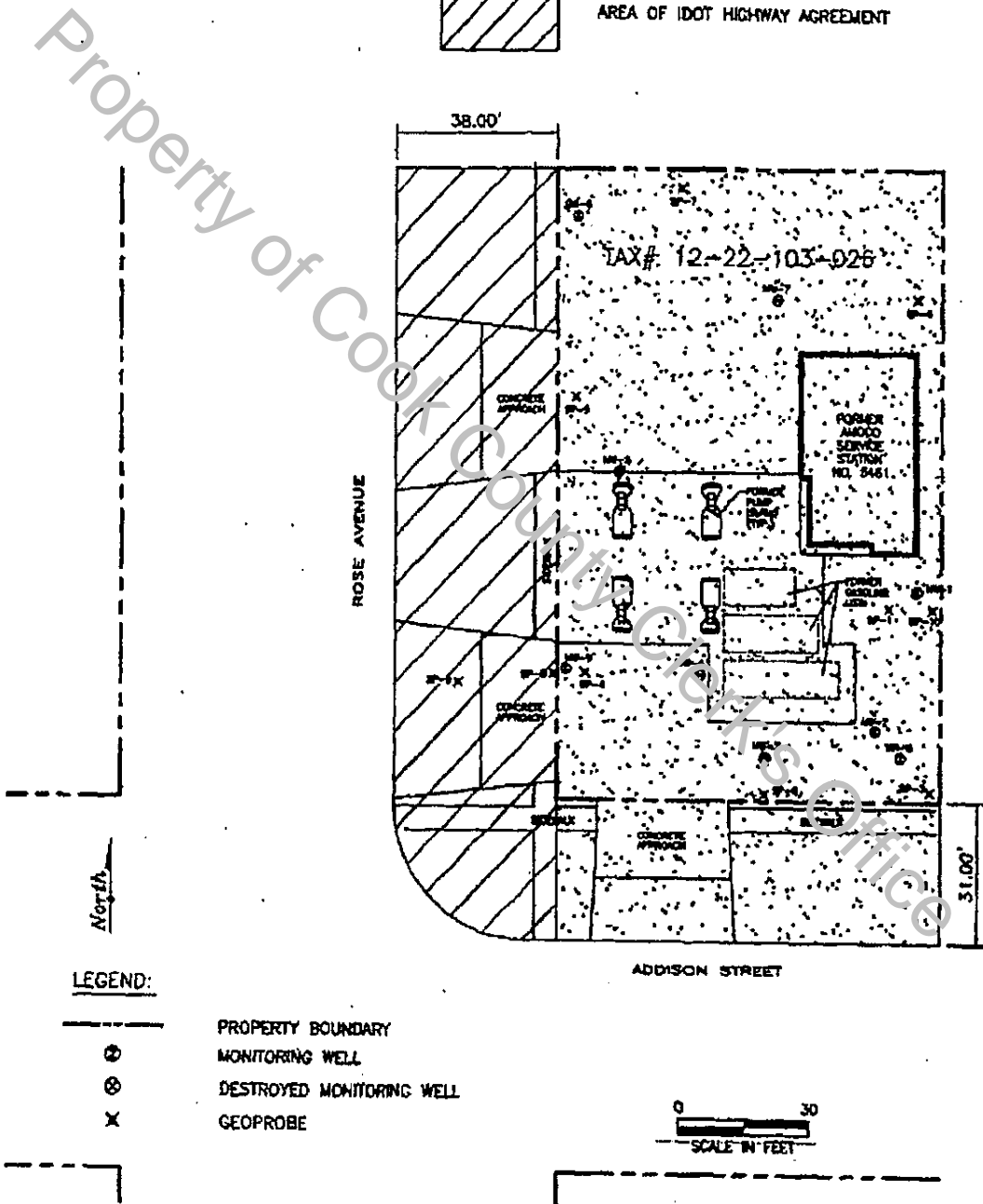
LPC #0310965245--Cook County Amoco Oil #5461 Highway Authority Agreement Site Map



AREA OF GROUNDWATER ORDINANCE NOTIFICATION



AREA OF IDOT HIGHWAY AGREEMENT



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ORDINANCE NUMBER 2122-G- 56

AN ORDINANCE OF THE VILLAGE OF FRANKLIN PARK, COOK COUNTY, ILLINOIS 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 AT 3601 ROSE STREET, FRANKLIN PARK, ILLINOIS

WHEREAS, the Village of Franklin Park, Cook County, Illinois (the "Village") is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

WHEREAS, in enacting Ordinance Number 1314-VC-16 entitled "*An Ordinance Amending Chapter Eight of Title Seven of the Village Code of the Village of Franklin Park, Cook County, Illinois to Establish a Site Specific Groundwater Use Restriction Zone Application Process*" (the "*Site Specific Application Process*") the Village President and Board of Trustees of the Village Franklin Park (the "*Corporate Authorities*") have determined that groundwater within the Village is a valuable natural resource that should be protected and preserved; and

WHEREAS, the Corporate Authorities, in enacting a Site Specific Application Process, have determined it is inappropriate to restrict in perpetuity the use of all groundwater located within the corporate boundaries of the Village (hereinafter referred to as a "*border-to-border restriction*"); and

WHEREAS, the Corporate Authorities have determined, in enacting a Site Specific Application Process, that a border-to-border restriction may lead to further contamination of groundwater by industrial and commercial activity taking place within the Village; and

WHEREAS, the Corporate Authorities, in enacting a Site Specific Application Process, have determined that the Village should consider, on a case-by-case basis, the enactment of in

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perpetuity restrictions on the use of contaminated groundwater that qualify as an institutional control under Title XVII of the Illinois Environmental Protection Act, Site Remediation Program, 415 ILCS 5/58 *et seq.* and Subpart J of the TIERED APPROACH TO CORRECTIVE ACTION OBJECTIVES, Institutional Controls, 35 IAC 742.1000 *et seq.* (hereinafter referred to as an “*institutional control*”); and

WHEREAS, in accordance with the Site Specific Application Process, the Corporate Authorities find that it is in the public interest and will tend to promote the health, safety, morals, comfort, convenience and general welfare of the residents of the Village to establish a Restricted Groundwater Zone that will qualify as an institutional control.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Franklin Park, Cook County, Illinois, as follows:

Section 1. That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2. The use or attempted use of groundwater as a potable water supply from within the area shown on Exhibit A and more particularly described in Exhibit B, copies of such being attached hereto and made a part hereof, by the installation of wells or by any other method, is hereby prohibited.

Section 3. The prohibition contained in Section 2 of this Ordinance shall also apply to the Village of Franklin Park, including the operation of its water utility.

Section 4. Any person violating the provisions of this Ordinance shall be subject to a fine of up to Seven Hundred Fifty Dollars (\$750.00) for each violation.

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Section 5. Definitions.

"Person" shall mean 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.

"Potable water" shall mean 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 6. All ordinances, resolutions, motions, or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 7. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid or its application to any person or under any circumstances is adjudged invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

Section 8. This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.


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ADOPTED by the President and Board of Trustees of the Village of Franklin Park, Cook County, Illinois this 3rd day of January 2022, pursuant to a roll call vote, as follows:

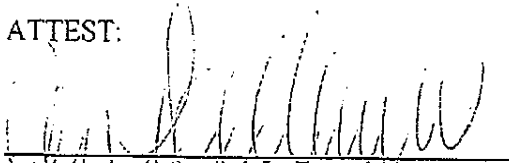
	YES	NO	ABSTAIN	ABSENT	PRESENT
AVITIA	X				
JOHNSON	X				
HAGERSTROM	X				
RUHL				X	
SPECIAL	X				
YBARRA	X				
PRESIDENT PEDERSEN					
TOTAL	5			1	

APPROVED by the President of the Village of Franklin Park, Cook County, Illinois on this 3rd day of January 2022.



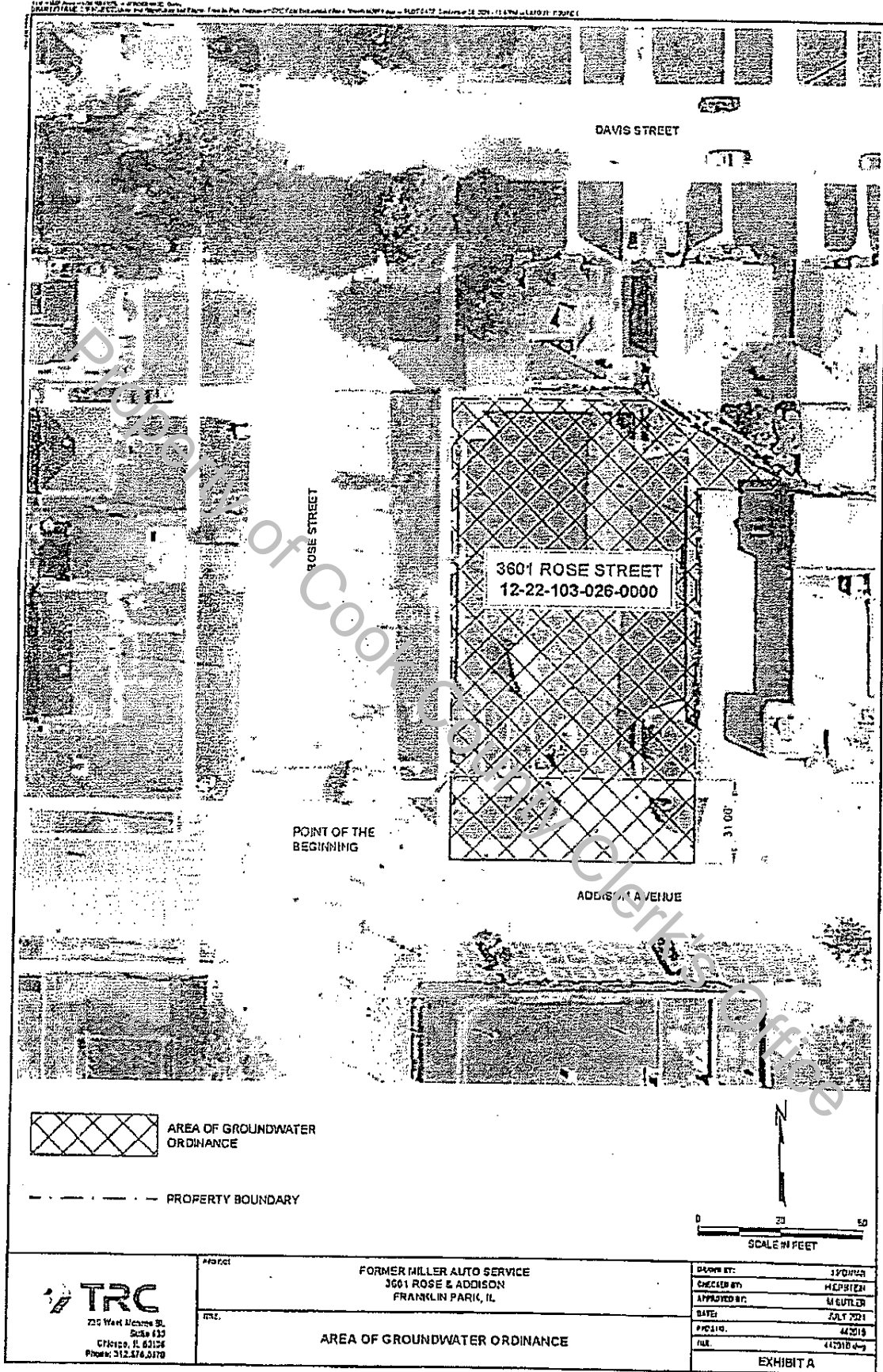
 BARRETT F. PEDERSEN
 VILLAGE PRESIDENT

ATTEST:



 APRIL ARELLANO
 VILLAGE CLERK

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Exhibit B

Beginning at the point of the southwest corner of the of the property identified as 12-22-103-026 in the Village of Franklin Park, Illinois (the "Point of the Beginning");

Thence south 31 feet as a continuation of the west boundary of the of the property identified as 12-22-103-026 into the public right-of-way known as Addison Avenue;

Thence east parallel with south boundary of the of the property identified as 12-22-103-026 to a point 31 feet south of the continuation of the east boundary of the of the property identified as 12-22-103-026;

Thence north 21 feet along the continuation of the east boundary of the of the property identified as 12-22-103-026 to the southeast corner of the of the of the property identified as 12-22-103-026;

Thence north along the east boundary of the of the property identified as 12-22-103-026;

Thence east along the boundary of the property identified as 12-22-103-026;

Thence northwest along the boundary of the property identified as 12-22-103-026 to the north boundary of the of the property identified as 12-22-103-026;

Thence west along the north boundary of the of the property identified as 12-22-103-026 to the northwest corner of the property identified as 12-22-103-026; and

Thence south along the west boundary of the of the property identified as 12-22-103-026 to the Point of the Beginning.