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2009/0024 08 001 Page 1 of 7  
1998-08-24 10:59:28  
Cook County Recorder 33.50

A-03959

PREPARED BY:

Name: Don Waterlander  
Martin Oil Marketing

Address: Martin Oil Marketing  
Attn: Don Waterlander  
4501 West 127th Street  
Alsip, Illinois 60658

RETURN TO:

Name: Deborah A. Treier  
Marathon Ashland Petroleum LLC

Address: Attn: Real Estate Dept. - Room 1604  
539 S. Main Street  
Findlay, OH 45840

THE ABOVE SPACE FOR RECORDER'S OFFICE

THIS ENVIRONMENTAL NO FURTHER REMEDIATION LETTER MUST BE SUBMITTED BY THE OWNER/OPERATOR, WITHIN 45 DAYS OF ITS RECEIPT, TO THE RECORDER OF DEEDS OF COOK COUNTY IN WHICH THE SITE (AS DESCRIBED BELOW) IS LOCATED.

Illinois EPA Number: 0316255038

LUST Incident No.: 941134

Speedway SuperAmerica #8314 (f.k.a. Emro Marketing Company), formerly Martin Oil #44, the owner and operator, whose address is 119 South Cicero Avenue, Chicago, Illinois, has performed investigative and/or remedial activities for the site that can be identified by the following:

1. Legal description or Reference to a Plat Showing the Boundaries: Lots 25, 26, 27 and 28 and the West 8 feet of Lot 29 in Block 3 in Hobart's Subdivision of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 15, Township 39 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois.
2. Common Address: 119 South Cicero Avenue, Chicago, Illinois
3. Real Estate Tax Index/parcel Index Number: 16-15-104-023-0000; 16-15-104-024-0000; 16-15-104-025-0000; and 16-15-104-026-0000
4. Site Owner: Speedway SuperAmerica #8314, former Martin Oil #44
5. Land Use Limitation:
6. See the attached No Further Remediation Letter for other terms.

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State of Illinois

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98743355  
ENVIRONMENTAL PROTECTION AGENCY

Mary A. Gade, Director  
217/782-6762

2200 Churchill Road, Springfield, IL 62794-9276

CERTIFIED MAIL

2363623303

OCT 01 1996

Martin Oil Marketing  
Attn: Mr. Don Waterlander  
4501 West 127th Street  
Alsip, Illinois 60658

Re: LPC #0316255038--Cook County  
Chicago/Martin Oil Marketing (Station #44)  
119 South Cicero Avenue  
LUST Incident No. 941134  
LUST TECHNICAL FILE

Dear Mr. Waterlander:

The Illinois Environmental Protection Agency has reviewed the High Priority Corrective Action Plan that was submitted for the above-referenced LUST incident pursuant to 35 Illinois Administrative Code (35 IAC) Section 732.404 and Section 57.7(c)(1) of the Illinois Environmental Protection Act (Act). This information was dated August 26, 1996 and was received by the Agency on September 16, 1996. Pursuant to 35 IAC Section 732.405(c) and Section 57.7(c)(4) of the Act, the Agency is approving the High Priority Corrective Action Plan. The Agency has determined that the activities proposed in this plan are appropriate to demonstrate compliance with 35 IAC Part 732 and Title XVI of the Act.

In addition, the Agency is modifying the proposed budget for the High Priority Corrective Action Plan pursuant to 35 IAC Section 732.405(c) and Section 57.7(c)(4) of the Act. Based on the modifications listed in Section 2 of Attachment A, the amounts listed in Section 1 of Attachment A have been approved. Please note that the costs must be incurred in accordance with the Agency approved plan. Be aware that the amount of reimbursement may be limited by 35 IAC, Sections 732.604 and 732.611 as well as Sections 57.8(e), 57.8(g) and 57.8(d) of the Act.

In addition, the Agency has received the High Priority Corrective Action Completion Report. This report was dated August 26, 1996 and received by the Agency on September 16, 1996. The High Priority Corrective Action Completion Report and associated Certification state that the corrective action for the above-referenced site was conducted in accordance with the Corrective Action Plan submitted to the Agency and the Corrective Action Completion Report has demonstrated that the requirements of Section 57.7(c)(1)(E) of the Illinois Environmental Protection Act and 35 Illinois Administrative Code Section 732.409(a)(2) have been satisfied.

Based upon the certification by Richard E. Schmidt, a registered Professional Engineer of Illinois, it appears that all corrective action requirement of Title XVI of the Act and 35 Illinois Administrative Code Part 732 for the release of petroleum from the underground storage tank(s) have been satisfied as long as the following conditions have been met:

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Page 2

98749355

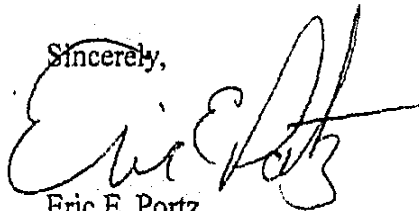
1. That the proposed engineering barrier at the site, the paved lot and buildings, must remain in place and must be maintained to act as a barrier for the inhalation and ingestion exposure routes.
2. If contaminated soils are excavated or otherwise handled they must be handled and/or disposed of properly. In addition, it should be noted that during any future excavation and/or construction at the above-referenced site, the site safety plan must address worker exposure to the remaining soil contamination.
3. The receipt of this letter shall be submitted to the Office of the Recorder or Registrar of Titles of the county which the site is located within 45 days of the receipt of this letter in such a manner that it forms a permanent part of the chain of title for the site. Proper recording of the "No Further Remediation" letter shall consist of adding the letter and an Environmental Notice form to other public documents that would normally be examined during a title search.

A "No Further Remediation" letter shall not become effective until officially recorded in accordance with item 3 above. The recipient of the letter shall obtain and submit to the Agency a copy of the letter demonstrating that it has been recorded. Violation of the terms of a No Further Remediation Letter shall be grounds for voidance of the Letter and the Agency's "No Further Remediation" determination in accordance with the procedure applicable to the remediation program under which the remediation is performed.

For purposes of appeal, this letter constitutes the Agency's final decision regarding the above matters. Please see Appendix 1 for an owner or operator's appeal rights.

Should you have any questions or require further assistance, do not hesitate to contact Christopher Kohrmann of my staff at 217/782-6762.

Sincerely,



Eric E. Portz  
Unit Manager  
Leaking Underground Storage Tank Section  
Division of Remediation Management  
Bureau of Land

EEP:CK:rmi\96973.WPD

Attachments (1)  
Appendices: 1

cc: M. James Thompson, Environmental Solutions Group

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Attachment A

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Re: LPC #0316255038 -- Cook County  
Chicago/Martin Oil Marketing  
119 South Cicero Avenue  
LUST Incident No. 941134  
LUST/Tech Report File

Note: Citations in this attachment are from 35 Illinois Administrative Code (35 IAC) and the Illinois Environmental Protection Act.

## Section 1

As a result of the Agency's modifications in Section 2 of this Attachment, the following amounts have been approved.

|              |                          |
|--------------|--------------------------|
| \$ 16,298.25 | Investigation Costs      |
| \$ 13,260.00 | Sampling Costs           |
| \$ 0.00      | Corrective Action Costs  |
| \$ 13,794.00 | Report Preparation Costs |
| \$ 1,033.53  | Other Costs              |
| \$ 2,386.96  | Handling Charges         |

## Section 2

1. \$ 320.00 for costs associated with the analysis for TCLP Lead. Pursuant to 35 IAC Section 732.606(r) costs associated with the analysis of laboratory samples for constituents other than applicable indicator contaminants or groundwater objectives are ineligible for payment from the Fund. These costs exceed the minimum requirements necessary to comply with Title XVI. (Section 57.5(a) of the Act and 35 IAC Section 732.606(o).) In addition these costs are inconsistent with the associated technical plan. One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services shall be consistent with the associated technical plan (35 IAC Section 732.505(e)).
2. \$ 320.00 for costs associated with the analysis for Biolog samples. Pursuant to 35 IAC Section 732.606(r) costs associated with the analysis of laboratory samples for constituents other than applicable indicator contaminants or groundwater objectives are ineligible for payment from the Fund. These costs exceed the minimum requirements necessary to comply with Title XVI. (Section 57.5(a) of the Act and 35 IAC Section 732.606(o).) In addition these costs are inconsistent with the associated technical plan. One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services shall be consistent with the associated technical plan (35 IAC Section 732.505(c)).

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Page 2

98749355

3. \$ 110.00 for costs associated with the analysis for GCFAME/Soil Samples. Pursuant to 35 IAC Section 732.606(r) costs associated with the analysis of laboratory samples for constituents other than applicable indicator ccontaminants or groundwater objectives are ineligible for payment from the Fund. These costs exceed the minimum requirements necessary to comply with Title XVI. (Section 57.5(a) of the Act and 35 IAC Section 732.606(o).) In addition these costs are inconsistent with the associated technical plan. One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services shall be consistent with the associated technical plan (35 IAC Section 732.505(c)).
4. \$ 220.00 for costs associated with the analysis for Plate Counts. Pursuant to 35 IAC Section 732.606(r) costs associated with the analysis of laboratory samples for constituents other than applicable indicator ccontaminants or groundwater objectives are ineligible for payment from the Fund. These costs exceed the minimum requirements necessary to comply with Title XVI. (Section 57.5(a) of the Act and 35 IAC Section 732.606(o).) In addition these costs are inconsistent with the associated technical plan. One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services shall be consistent with the associated technical plan (35 IAC Section 732.505(c)).
5. \$ 900.00 for costs associated with the analysis for End Point Assays. Pursuant to 35 IAC Section 732.606(r) costs associated with the analysis of laboratory samples for constituents other than applicable indicator ccontaminants or groundwater objectives are ineligible for payment from the Fund. These costs exceed the minimum requirements necessary to comply with Title XVI. (Section 57.5(a) of the Act and 35 IAC Section 732.606(o).) In addition these costs are inconsistent with the associated technical plan. One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services shall be consistent with the associated technical plan (35 IAC Section 732.505(c)).
6. \$ 200.00 for costs associated with the analysis for Nutrient Samples. Pursuant to 35 IAC Section 732.606(r) costs associated with the analysis of laboratory samples for constituents other than applicable indicator ccontaminants or groundwater objectives are ineligible for payment from the Fund. These costs exceed the minimum requirements necessary to comply with Title XVI. (Section 57.5(a) of the Act and 35 IAC Section 732.606(o).) In addition these costs are inconsistent with the associated technical plan. One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services shall be consistent with the associated technical plan (35 IAC Section 732.505(c)).

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Page 3

98749355

7. \$ 180.00 for costs associated with the analysis of ICP Mineral Scan. Pursuant to 35 IAC Section 732.606(r) costs associated with the analysis of laboratory samples for constituents other than applicable indicator contaminants or groundwater objectives are ineligible for payment from the Fund. These costs exceed the minimum requirements necessary to comply with Title XVI. (Section 57.5(a) of the Act and 35 IAC Section 732.606(o).) In addition these costs are inconsistent with the associated technical plan. One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services shall be consistent with the associated technical plan (35 IAC Section 732.505(c)).
8. \$ 320.00 for costs associated with the analysis for ICP Heavy Metal Scan. Pursuant to 35 IAC Section 732.606(r) costs associated with the analysis of laboratory samples for constituents other than applicable indicator contaminants or groundwater objectives are ineligible for payment from the Fund. These costs exceed the minimum requirements necessary to comply with Title XVI. (Section 57.5(a) of the Act and 35 IAC Section 732.606(o).) In addition these costs are inconsistent with the associated technical plan. One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services shall be consistent with the associated technical plan (35 IAC Section 732.505(c)).
9. \$ 610.00 for an adjustment in personnel costs associated with the hydrogeologists. The Agency has determined that these costs are not reasonable as submitted (35 IAC Section 732.505(c)). Please note that additional information and/or supporting documentation may be provided to demonstrate the costs submitted are reasonable.

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## APPENDIX 1

An underground storage tank owner or operator may appeal this final decision to the Illinois Pollution Control Board ("Board") pursuant to Section 57.8(i) and Section 40 of the Illinois Environmental Protection Act. An owner or operator who seeks to appeal the Agency's decision may, within 35 days of the date of mailing of the Agency's final decision, petition for a hearing before the Board; however, the 35-day period may be extended for a period of time not to exceed 90 days by written notice provided to the Board from the applicant and the Agency within the 35-day initial appeal period.

For information regarding the filing of an appeal, please contact:

Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601  
312/814-3620

For information regarding the filing of an extension, please contact:

Illinois Environmental Protection Agency  
Division of Legal Counsel  
2200 Churchill Road  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544

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