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PREPARED BY:

98860069

Name: Shell Oil Products

1172/0007 30 001 Page 1 of 7

1998-09-25 09:04:44

Cook County Recorder 33.00

Address: 824 Emerson Street
Evanston, Illinois

RETURN TO:

Name: Lisa Schoedel
Shell Oil Products Company

Address: 1415 West 22nd Street
Oak Brook, Illinois 60522-9008

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: 0310815067

LUST Incident No.: 900344, 901987 and 932789

Shell Oil Products Company, the owner and operator, whose address is 1415 West 22nd Street, Oak Brook, 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: Street 19-41-14 Lot 5 Evanston Village
2. Common Address: 824 Emerson Street, Evanston, Illinois
3. Real Estate Tax Index/Parcel Index Number: 11-18-114-001
4. Site Owner: Suren Injian
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:SP:jk\981253.WPD

Leaking Underground Storage Tank Environmental Notice

BOX 333-CTI

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 Mary A. Gade, Director

217/782-6762

CERTIFIED MAIL

P 344 309 785

SEP 03 1998

Shell Oil Products Company
Attention: Lisa Schoedel
1415 West 22nd Street
Oak Brook, Illinois 60522-9008

Re: LPC #0310815067 -- Cook County
Evanston/Shell Oil Co.
824 Emerson Street
LUST Incident No. 900344, 901987 and 932789
LUST Technical File

Dear Ms. Schoedel:

The Illinois Environmental Protection Agency ("Illinois EPA") has reviewed the Corrective Action Completion Report/TACO Evaluation submitted for the above-referenced incident. This information was dated May 4, 1998; was received by the Agency May 6, 1998; and was prepared by ATC Associates, Inc.

The Corrective Action Completion Report and the Professional Engineer Certification submitted pursuant to 35 Illinois Administrative Code Section 732.300(b)(1) and Section 732.409(b) indicate that the remediation objectives set forth in 35 Illinois Administrative Code Section 732.408 have been met.

Based upon the certification by Daniel Chamberlin, a Registered Professional Engineer of Illinois, and pursuant to Section 57.10 of the Environment Protection Act ("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:

1. Shell Oil Products Company;

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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, including all attachments, 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. 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 that it forms a permanent part of the chain of title for the above-referenced property. Within 30 days of this Letter being recorded by the Office of the Recorder or Registrar of Titles of the applicable county, a certified 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 attached to 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 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 (TACO, 35 Illinois Administrative Code Part 742) rules.

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2. As a result of the release from the underground storage tank(s) associated with the above-referenced incident, the site 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 Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

PREVENTIVE, ENGINEERING, AND INSTITUTIONAL CONTROLS

4. Preventive: A safety plan for this site must be implemented in accordance with the Occupational Safety Health Administration, to address possible worker exposure, should any future excavation and construction activities occur within the contaminated soil.

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.

Engineering: None.

Institutional: This Letter shall be recorded as a permanent part of the chain of title for the site described in the attached Leaking Underground Storage Tank Environmental Notice.

5. Failure to establish, operate, and maintain controls in full compliance with the Environmental Protection Act, applicable regulations, and the approved corrective action plan may result in voidance of this Letter.

OTHER TERMS

6. Any contaminated soil or groundwater that is removed, excavated, or disturbed from the above-referenced site must be handled in accordance with all applicable laws and regulations.

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7. Further information regarding this 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

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 current title holder and to the owner or operator at the last known address. The notice shall specify the cause for the voidance, explain the provisions for appeal, and describe the facts in support of this cause. 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.)

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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

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

Sincerely,

Hernando A. Albarracin

Hernando A. Albarracin
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

HAA:  SJ:k\9812620.WPD

Attachments: Leaking Underground Storage Tank Environmental Notice

cc: Suren Ipjian
ATC Associates

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The Agency is authorized to require this information under Section 1 and Title XVI of the Environmental Protection Act (415 ILCS 3/6, 3/27-37, 17). Failure to disclose this information may result in the Agency's inability to issue a No Further Remediation Letter under XVI. Any person who knowingly makes a false material statement or represents in any label, manifest, record, report, permit, or license, or other document filed, maintained or used for the purpose of compliance with Title XVI commits a Class 4 felony. Any second or subsequent offense after conviction hereunder is a Class 3 felony (415 ILCS 5/57-17). This form has been approved by the Forms Management Center.

Illinois Environmental Protection Agency
Leaking Underground Storage Tank Program

A. Site Identification

IEMA Incident # (6 digit) 900344, 901987, 932789 IEPA Generator # (10 digit) 0310815067

Site Name: Former Shell Service Station, 212-2622-0503

Site Address (Not a P.O. Box) 1851 Benson (824 Emerson)

City: Evanston County: Cook

B. Identification of Property Ownership

Indicate which statement below is applicable to this site:

- The property owner is the same as the Underground Storage Tank owner
- The property owner is not the same as the Underground Storage Tank owner

C. Property Ownership Declaration

The property owner must approve of all engineered barriers, institutional controls and other use restrictions, if any, proposed for the site. These controls and restrictions will be identified in the No Further Remediation Letter (NFR) letter and must be attached to the property title. Failure to maintain these controls and restrictions is grounds for revocation of the NFR letter. This form may be used to notify the Agency of such approval.

I hereby approve / disapprove of all engineered barriers, institutional controls and other use restrictions, if any, that are proposed for the above referenced site and that will be identified in the NFR letter. I agree to have the NFR letter recorded in the chain of title for the site.

Name of property owner: Suren Ipjain

Address: 2315 Orrington Avenue, Evanston, Illinois 60204

Phone: 847-864-6200

Signature:

Date:

D. Site Description

Real Estate Tax/Parcel Index Number: 11-18-114-001

Legal Description of Site (may be provided on a separate sheet):
Parcel five (5) in the Northwest Quarter of Section 18, Township 41 North, Range 14 East, in Cook County, Illinois.

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