

UNOFFICIAL COPY

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1999-10-05 13:15:08
Cook County Recorder 29.00



PREPARED BY:

Name: Equilon Enterprises, L.L.C.
Attention: Lisa Schoedel

Address: 3501 South Damen Avenue
Chicago, Illinois

RETURN TO:

Name: Equilon Enterprises, L.L.C.
Attention: Lisa Schoedel

Address: 603 Diehl Road, Suite 103
Naperville, Illinois 60563



COOK COUNTY
RECORDER
EUGENE "GENE" MOORE
ROLLING MEADOWS

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 State EPA Number: # 0316615101

LUST Incident No.: #881010

Equilon Enterprises, L.L.C., the owner and operator, whose address is 603 Diehl Road, Suite 103, Naperville, 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 8, 9, 10, and 11 in Sub-Block #2 of Crepin's Subdivision of part of Block #24 of Canal Trustee's Subdivision of the East one-half (1/2) of Section 31, Township 39 North, Range 14 East, of the Third Principle Meridian in Cook County, Illinois.

- 2. Common Address: 3501 South Damen Ave., Chicago, Illinois.
- 3. Real Estate Tax Index/Parcel Index Number: 17-31- 400-046
- 4. Site Owner: Equilon Enterprises, L.L.C.
- 5. Land Use Limitation: industrial/commercial
- 6. See NFR letter for other terms.

LEAKING UNDERGROUND STORAGE TANK ENVIRONMENTAL NOTICE

15
24



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276

217/782-6762
SEP 23 1999

THOMAS V. SKINNER, DIRECTOR

CERTIFIED MAIL
P344297686Equilon Enterprises, L.L.C.
Attention: Lisa Schoedel
603 Diehl Road
Suite 103
Naperville, Illinois 60563Re: LPC #0316615101 -- Cook County
Chicago/Shel. Oil Co.
3501 South Damen Ave.
LUST Incident No. 881010
LUST Technical File

Dear Ms. Schoedel:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information was dated March 9, 1998; was received by the Illinois EPA March 16, 1998; and was prepared by Handex Environmental. Also received and reviewed by the Agency was the amended Property Declaration Form dated July 6, 1999 and the letter by Handex Environmental dated September 15, 1999.

The Corrective Action Completion Report and the Professional Engineer Certification submitted pursuant to 35 Illinois Administrative Code Part 731 indicate that remediation has been successfully completed.

Based upon the certification by Richard L. Coan, a Registered Professional Engineer of Illinois, and based upon other information in the Illinois EPA's possession, 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. This Letter shall apply in favor of the following persons:

1. Equilon Enterprises, L.L.C.;
2. The owner and operator of the UST(s);

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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 have been established in accordance with an industrial/commercial land use limitation. The remediation objectives for the above referenced site described in the Leaking Underground Storage Tank Environmental Notice of the Letter were established in accordance with the requirements of the Tiered Approach to Corrective Action Objectives (TACO, 35 Illinois Administrative Code Part 742) rules.
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: Industrial/commercial. Additionally, it has been demonstrated

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that the groundwater under the site meets Class II (General Resource) groundwater criteria, rather than Class I (Potable Resource) groundwater. Groundwater classifications are defined at 35 IAC Part 620, Subpart B.

- 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: None
- 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 avoidance 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.
- 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
 Bureau of Land - #24
 LUST Section
 1021 North Grand Avenue East
 Post Office Box 19276
 Springfield, Illinois 62794-9276

- 8. Should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the current title holder and to the owner and/or operator at the last known address. The notice

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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:

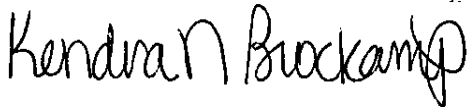
- a) Any violation of institutional controls or industrial/commercial land use restrictions;
- b) The failure to operate and maintain preventive or engineering controls or to comply with any applicable groundwater monitoring plan;
- c) The disturbance or removal of contamination that has been left in-place 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.

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 the Illinois EPA project manager, Katharine Vieregge, at 618/346-5120.

Sincerely,



Kendra Brockamp
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

Attachments: Leaking Underground Storage Tank Environmental Notice

cc: Handex Environmental
David Reynolds, City of Chicago-Department of Environment