



# 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 8274

JUL 16 2021

[REDACTED]  
[REDACTED]  
[REDACTED]

Sugar Grove, IL 60554

Re: [REDACTED] Kane County  
[REDACTED] Construction Company  
[REDACTED]  
Leaking UST Incident [REDACTED] **NFR Letter**  
Leaking UST Technical File

Dear Mr. [REDACTED]

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 22, 2021 and was received by the Illinois EPA on March 24, 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 associated Professional Engineer Certification submitted pursuant to Section 57.7(b)(5) of the Act 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(b) of the Act have been satisfied.

Based upon the certification by [REDACTED] 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. [REDACTED] the owner or operator of the underground storage tank system(s).

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

2. Any parent corporation or subsidiary of such owner or operator.
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. 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 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.
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: There are no land use limitations.

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.
  - 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.
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.
  - 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.

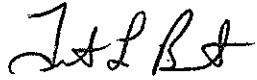
Submit an accurate and official copy of this Letter, as recorded, to:

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

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If you have any questions or need further assistance, please contact Rio Osborne at (217) 558-0347 or at [rio.osborne@illinois.gov](mailto:rio.osborne@illinois.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Benanti'.

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

Attachments: Leaking Underground Storage Tank Environmental Notice  
Legal Description

c: Jeff Ogden, Eagle Environmental Consultants, LLC (electronic copy),  
[jeff.ogden@eaglecllc.com](mailto:jeff.ogden@eaglecllc.com)  
BOL File

PREPARED BY:

Name:

Address:

RETURN TO:

Name:

Address:

(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 KANE COUNTY IN WHICH THE SITE DESCRIBED BELOW IS LOCATED.**

Illinois EPA No. [REDACTED]

Leaking UST Incident [REDACTED]

[REDACTED], the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is [REDACTED]

[REDACTED] has performed investigative and/or remedial activities for the site identified as follows:

1. Legal Description or Reference to a Plat Showing the Boundaries: See attachment.
2. Common Address: [REDACTED]
3. Real Estate Tax Index/Parcel Index Number: [REDACTED]
4. Site Owner: [REDACTED]
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

RO

## EXHIBIT A

LOT 2 OF OWNER'S SUBDIVISION ACCORDING TO THE PLAT RECORDED FEBRUARY 26, 1954 AS DOCUMENT 744970 AND THAT PART OF THE WEST HALF OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, AS DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 3; THENCE SOUTH 088 DEGREES, 00 MINUTES, 21 SECONDS WEST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER 81.70 FEET TO THE WESTERLY LINE OF PROPERTY CONVEYED TO LASALLE NATIONAL BANK TRUST 41520 ON APRIL 7, 1978 AS DOCUMENT 1451588; THENCE NORTH 031 DEGREES, 31 MINUTES, 47 SECONDS WEST ALONG SAID WESTERLY LINE 1325.02 FEET TO THE SOUTHERLY LINE OF PROPERTY CONVEYED TO VILLAGE OF NORTH AURORA ON MARCH 12, 1974 AS DOCUMENT 1291736; THENCE SOUTH 089 DEGREES, 30 MINUTES, 51 SECONDS WEST ALONG SAID SOUTHERLY LINE 87.29 FEET TO THE SOUTHEAST CORNER OF PROPERTY CONVEYED TO BELSON MANUFACTURING COMPANY, INC., ON SEPTEMBER 7, 1966 AS DOCUMENT 1076357; THENCE SOUTH 089 DEGREES, 42 MINUTES, 51 SECONDS WEST ALONG THE SOUTHERLY LINE OF SAID PROPERTY AND THE SOUTHERLY LINE OF PROPERTY CONVEYED TO TOWN OF AURORA ON MAY 1, 1947 AS DOCUMENT 579939, 743.64 FEET TO THE SOUTHWEST CORNER OF SAID PROPERTY; THENCE NORTH 000 DEGREES, 10 MINUTES, 34 SECONDS EAST ALONG THE WESTERLY LINE OF SAID PROPERTY 462.08 FEET TO THE SOUTHWEST CORNER OF PROPERTY CONVEYED TO HARRIS TRUST AND SAVINGS BANK TRUST 35973 ON DECEMBER 18, 1974 AS DOCUMENT 13155121; THENCE NORTH 000 DEGREES, 45 MINUTES, 11 SECONDS WEST ALONG THE WESTERLY LINE OF SAID PROPERTY 324.11 FEET TO A POINT ON A CURVE WHOSE TANGENT BEARS SOUTH 067 DEGREES, 19 MINUTES 50 SECONDS WEST; THENCE WESTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 3806.64 FEET, BEING ALONG THE SOUTHERLY LINE OF PROPERTY CONVEYED TO MERCHANTS NATIONAL BANK AND TRUST COMPANY TRUST 1897 ON NOVEMBER 5, 1971 AS DOCUMENT 1208963 FOR AN ARC DISTANCE OF 660.22 FEET TO A POINT IN THE EAST LINE OF A. H. STONE'S ADDITION TO NORTH AURORA; THENCE SOUTH 007 DEGREES, 60 MINUTES, 46 SECONDS EAST ALONG THE EAST LINE OF STONE'S ADDITION 361.73 FEET TO THE NORTHEAST CORNER OF OWNER'S RESUBDIVISION OF BLOCK 2 OF A. H. STONE'S ADDITION AND BLOCK 1 OF M. E. PIERCE'S SUBDIVISION; THENCE SOUTH 007 DEGREES, 52 MINUTES, 43 SECONDS EAST ALONG THE EAST LINE OF OWNER'S RESUBDIVISION, 187.20 FEET; THENCE SOUTH 000 DEGREES, 12 MINUTES 14 SECONDS WEST ALONG THE EAST LINE OF OWNERS' RESUBDIVISION, 205.18 FEET; THENCE NORTH 085 DEGREES, 56 MINUTES, 49 SECONDS WEST ALONG THE SOUTH LINE OF OWNER'S RESUBDIVISION 15 FEET; THENCE SOUTH 001 DEGREES, 17 MINUTES, 01 SECONDS EAST ALONG THE EAST LINE OF M.E. PIERCE'S SUBDIVISION, 260.24 FEET; THENCE SOUTH 088 DEGREES, 39 MINUTES, 11 SECONDS WEST ALONG THE SOUTH LINE OF BLOCK 2 OF PIERCE'S SUBDIVISION, 214.00 FEET; THENCE SOUTH 010 DEGREES, 42 MINUTES, 54 SECONDS EAST ALONG THE EAST LINE OF OWNER'S SUBDIVISION, 290.92 FEET; THENCE SOUTH

12 DEGREES, 11 MINUTES 11 SECONDS EAST ALONG THE EAST LINE OF OWNER'S SUBDIVISION 49.74 FEET; THENCE SOUTH 014 DEGREES, 43 MINUTES, 25 SECONDS EAST ALONG THE EAST LINE OF OWNER'S SUBDIVISION 179.93 FEET; THENCE SOUTH 083 DEGREES, 36 MINUTES, 37 SECONDS WEST ALONG THE SOUTH LINE OF LOTS 6, 7, AND 8 OF OWNER'S SUBDIVISION, 224.91 FEET TO THE NORTHWEST CORNER OF SAID LOT 2 OF OWNER'S SUBDIVISION; THENCE SOUTH 014 DEGREES, 54 MINUTES, 03 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 2, 179.20 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 087 DEGREES, 49 MINUTES, 08 SECONDS EAST ALONG THE SOUTH LINE OF SAID LOT 2, 76.19 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 014 DEGREES, 00 MINUTES 56 SECONDS EAST ALONG THE EAST LINE OF SAID OWNER'S SUBDIVISION 27.00 FEET TO THE SOUTHEAST CORNER OF OWNER'S SUBDIVISION BEING ALSO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 3; THENCE NORTH 088 DEGREES, 00 MINUTES, 21 SECONDS EAST ALONG THE SAID SOUTH LINE OF THE NORTHWEST QUARTER 358.47 FEET TO THE NORTHEAST CORNER OF PROPERTY CONVEYED TO DANIEL R. LEONARD ON APRIL 28, 1978 AS DOCUMENT 1454521; THEN SOUTH 002 DEGREES, 18 MINUTES 51 SECONDS EAST ALONG THE EASTERLY LINE OF SAID PROPERTY 98.13 FEET TO THE NORTHERLY LINE OF THE COMMONWEALTH EDISON COMPANY PROPERTY; THENCE NORTH 086 DEGREES, 38 MINUTES, 004 SECONDS EAST ALONG SAID NORTHERLY LINE 1975.74 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 3; THENCE NORTH 000 DEGREES, 46 MINUTES, 36 SECONDS WEST ALONG SAID EAST LINE 58.85 FEET TO THE POINT OF BEGINNING, IN THE VILLAGE OF NORTH AURORA AND TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS.

AND

THAT PART OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 3; THENCE SOUTH ALONG THE EAST LINE OF THE SAID NORTHWEST QUARTER OF SAID SECTION 3 FOR A DISTANCE OF 412.1 FEET; THENCE WESTERLY ALONG A LINE THAT FORMING AN ANGLE OF 084 DEGREES, 06 MINUTES, 00 SECONDS TO THE RIGHT WITH A PROLONGATION OF THE LAST DESCRIBED COURSE 1601.7 FEET TO A POINT ON THE EAST LINE OF THE H. D. CONKEY AND COMPANY PROPERTY EXTENDED NORTHERLY; THENCE SOUTHERLY ALONG SAID EAST PROPERTY LINE EXTENDED AND SAID EAST LINE WHICH FORMING AN ANGLE OF 083 DEGREES, 56 MINUTES, 00 SECONDS TO THE LEFT WITH A PROLONGATION OF THE LAST DESCRIBED COURSE 135.1 FEET TO THE POINT OF BEGINNING WHICH IS THE INTERSECTION OF THE EAST LINE OF THE H. D. CONKEY AND COMPANY PROPERTY AND THE SOUTHERLY RIGHT OF WAY LINE OF NORTH AURORA ROAD; THENCE SOUTHERLY ALONG A CONTINUATION OF THE LAST DESCRIBED COURSE, 93.25 FEET TO A POINT; THENCE SOUTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A



RADIUS OF 3806.64 FEET AND WHICH IS TANGENT TO A LINE THAT FORMING AN ANGLE OF 069 DEGREES, 05 MINUTES, 00 SECONDS TO THE RIGHT WITH A PROLONGATION OF THE LAST DESCRIBED COURSE, 647.71 FEET TO A POINT IN THE WEST LINE OF THE H. D. CONKEY AND COMPANY PROPERTY AND THE EAST LINE OF THE A. H. STONE'S ADDITION; THENCE NORTHERLY ALONG SAID WEST PROPERTY LINE 262.16 FEET TO A POINT IN THE AFORESAID SOUTHERLY RIGHT OF WAY LINE OF NORTH AURORA ROAD; THENCE EASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE 626.2 FEET, TO THE POINT OF BEGINNING, IN THE VILLAGE OF NORTH AURORA, KANE COUNTY, ILLINOIS.

Unofficial



# 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. (See 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>.