



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

217/782-6762

CERTIFIED MAIL

7009 3410 0002 3748 0051

AUG 19 2011

Village of Lake Zurich
Mr. Michael Brown
505 Tesler Road
Lake Zurich, IL 60047

Re: LPC # 0970855130 -- Lake County
Lake Zurich/Village of Lake Zurich
61 West Main Street
Leaking UST Incident No. 20100090 -- NFR Letter
Leaking UST Technical File

Dear Mr. Brown:

The Illinois Environmental Protection Agency (Illinois EPA) has reviewed the Corrective Action Completion Report submitted for the above-referenced incident. This information was dated July 7, 2011 and was received by the Illinois EPA on July 8, 2011. Citations in this letter are from the Environmental Protection Act (Act), as amended by Public Act 92-0554 on June 24, 2002, and Public Act 96-0908 on June 8, 2010, and 35 Illinois Administrative Code (35 Ill. Adm. Code).

The Corrective Action Completion Report and associated Licensed Professional Engineer Certification submitted pursuant to Section 57.7(b)(5) of the Act and 35 Ill. Adm. Code 734.135(d) 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 Jeffrey Weinhoff, a 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.

Rockford • 4302 N. Main St., Rockford, IL 61103 • (815) 987-7760

Elgin • 595 S. State, Elgin, IL 60123 • (847) 608-3131

Bureau of Land -- Peoria • 7620 N. University St., Peoria, IL 61614 • (309) 693-5462

Collinsville • 2009 Mall Street, Collinsville, IL 62234 • (618) 346-5120

Des Plaines • 9511 W. Harrison St., Des Plaines, IL 60016 • (847) 294-4000

Peoria • 5415 N. University St., Peoria, IL 61614 • (309) 693-5463

Champaign • 2125 S. First St., Champaign, IL 61820 • (217) 278-5800

Marion • 2309 W. Main St., Suite 116, Marion, IL 62959 • (618) 993-7200

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. The Village of Lake Zurich, the owner or operator of the underground storage tank system(s).
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. In addition, the Groundwater Ordinance (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. 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; 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.

Groundwater Use Ordinance

The Village of Lake Zurich ordinance # 2001-02-93 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:

Each affected or potentially affected (as shown through contaminant modeling) property owner and the Village of Lake Zurich must receive written notification from the owner or 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 in accordance with 35 Ill. Adm. Code 742.1015(b) and (c) within 45 days from the date this Letter is recorded. The notification shall include:

- a. The name and address of the unit of local government;
- b. The citation of the ordinance used as an institutional control in this Letter;
- c. A description of the property being sent notice by adequate legal description or by reference to a plat showing the boundaries;
- d. A statement that the ordinance restricting the groundwater use was used by the Illinois EPA in reviewing a request for groundwater remediation objectives;
- e. A statement as to the nature of the release and response action with the name, address, and Illinois EPA inventory identification number; and
- f. A statement as to where more information may be obtained regarding the ordinance.

The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:

- a. Modification of the reference 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 a recorded institutional control.

As a part of its corrective action, the leaking underground storage tank site has relied upon Village of Lake Zurich Ordinance # 2001-02-93 that prohibits potable uses of groundwater as defined therein.

- 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 voidance 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
Bureau of Land - #24
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 of Voidance 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 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.

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

If you have any questions or need further assistance, please contact the Illinois EPA project manager, Scott Rothering, at 217-785-1858.

Sincerely,



Thomas A. Henninger
Unit Manager
Leaking Underground Storage Tank Section
Division of Remediation Management
Bureau of Land

TAH:SRR:jk\

Attachments: Leaking Underground Storage Tank Environmental Notice
Groundwater Ordinance Lake Zurich # 2001-02-93
Legal Description

c: Marlin Environmental, Inc.
BOL File

PREPARED BY:

Name: Mike Brown
Village of Lake Zurich

Address: 61 West Main Street
Lake Zurich, IL 60047

RETURN TO:

Name: Mike Brown
Village of Lake Zurich

Address: 505 Tesler Road
Lake Zurich, IL 60047

(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 LAKE COUNTY IN WHICH THE SITE DESCRIBED BELOW IS LOCATED.

Illinois EPA Number: 0970855130

Leaking UST Incident No.: 20100090

The Village of Lake Zurich, the owner and/or operator of the leaking underground storage tank system(s) associated with the above-referenced incident, whose address is 505 Telser Road, Lake Zurich, IL, 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: 61 West Main Street, Lake Zurich, IL 60047
3. Real Estate Tax Index/Parcel Index Number: 1420100018, 1420104006, 1420104018
4. Site Owner: The Village of Lake Zurich
5. Land Use Limitation: There are no land use limitations.
6. See the attached No Further Remediation Letter for other terms.

SRR

ORDINANCE NO. 2001-02-93

AN ORDINANCE AMENDING SECTION 10-6-7 OF THE
LAKE ZURICH MUNICIPAL CODE TO PROHIBIT
ALL CONSTRUCTION AND USE OF ALL NEW POTABLE
WATER SUPPLY WELLS

Published in pamphlet form
by the authority of the President and Board of Trustees
of the
Village of Lake Zurich
Lake County, Illinois

Date of Publication February 21, 2001

Section 2. Amendment of Subsections 10-6-7A2 and A3. Subsection A2, titled "Connection Required," and Subsection A3, titled "Private Wells Prohibited," of Section 10-6-7 of the Lake Zurich Municipal Code shall be, and they are hereby, amended so that said Subsections A2 and A3 shall hereafter be and read as follows:

2. Connection Required. Every development and structure in the Village that uses potable water for any purpose shall be connected to the Village's water supply system if (a) any portion of the Village's water supply system intended to serve that development or structure is within 250 feet of any point of the subject property of that development or structure or (b) if any point of the subject property of that development lies within 1,000 feet of any point of the property located at 351 Lions Drive and commonly known as the Former Village Public Works Site. This connection requirement shall apply to any and all uses of potable water, including without limitation water for consumption, for landscape sprinkling and irrigation, for manufacturing and processing, and for fire protection; provided, however, that a property served as of January 1, 1994, with a private well used only for landscape sprinkling and irrigation and not for any potable water purpose may continue to be so served for such purposes only, but only under the condition stated in Paragraph 3 of this Subsection A below. All non-residential connections to the Village's water supply system shall be at least 2 inches in diameter.
3. Potable Water Wells Prohibited. Notwithstanding any other provision of this Code or of any other Village code, ordinance, or regulation, and subject only to the next sentence of this Paragraph 3, no potable water wells shall be constructed or used in the Village except only by the Village for Village-related public purposes. A private well existing as of January 1, 1994, may be maintained provided that such well is used only for landscape sprinkling and irrigation and not for any potable water purpose and provided, further, that no such well shall be substantially repaired or renovated. If any such well requires such substantial repair or renovation, then such well shall be properly abandoned and an appropriate connection shall be made to the Village's water supply system. The determination of whether a repair or renovation is "substantial" shall be made by the Village Engineer in the exercise of his or her sound judgment based on the condition of the well, the scope of the repair or renovation, the cost of such repair or renovation compared to the value of the well before such

STATE OF ILLINOIS)
)SS.
COUNTY OF LAKE)

CERTIFICATE

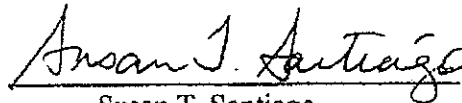
I, SUSAN T. SANTIAGO, certify that I am the duly appointed Deputy Village Clerk of the Village of Lake Zurich, Lake County, Illinois.

I DO HEREBY CERTIFY that as such Deputy Village Clerk, I am keeper of Ordinances, Resolutions, Minutes, Entries, Orders, Books, Papers, Records and Seal of said Village.

I DO HEREBY CERTIFY that the attached is a true and correct copy of:

Village of Lake Zurich corporate limits

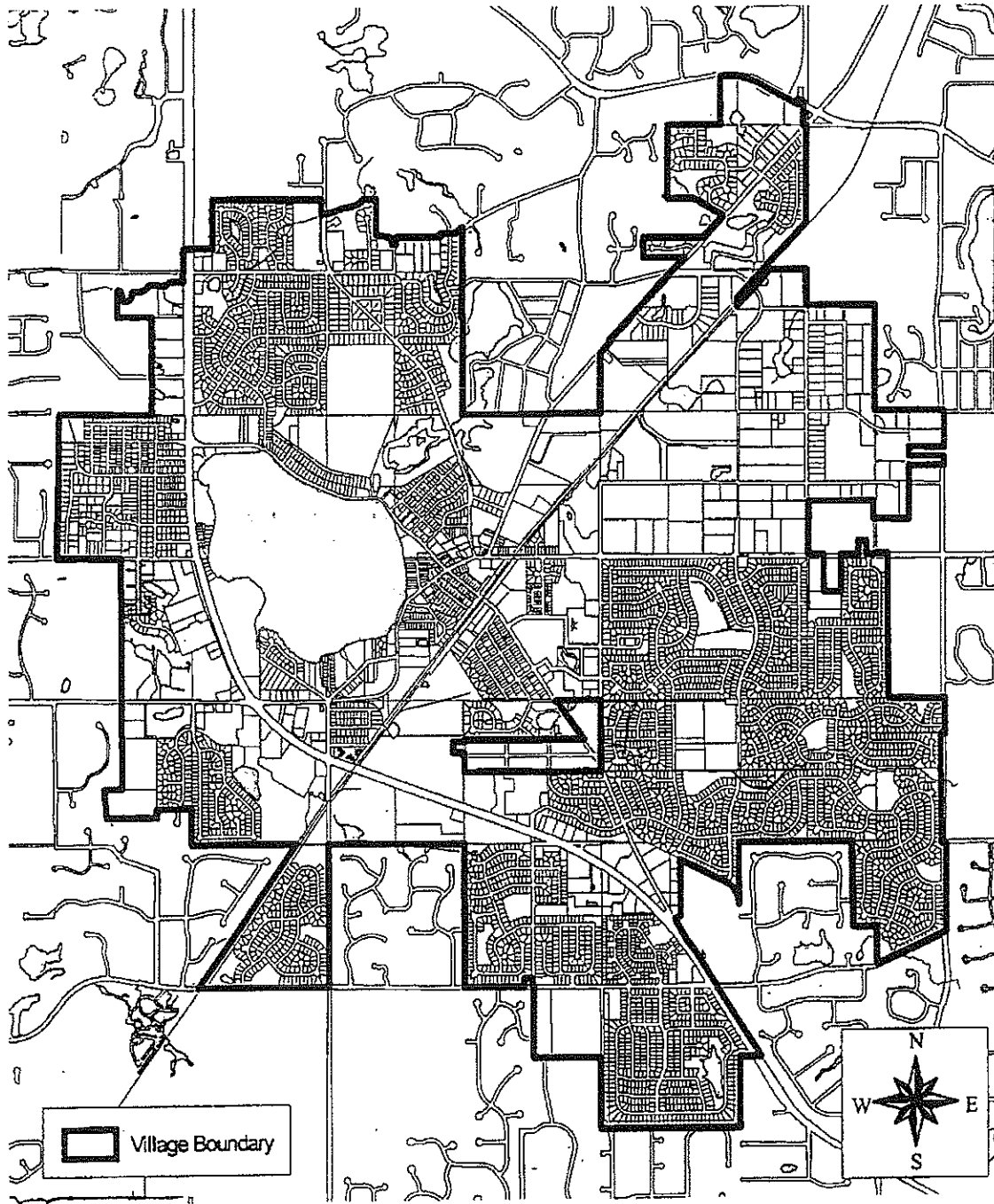
WITNESS my Hand and Corporate Seal of said Village of Lake Zurich, Illinois, this 22nd day of February 2001.



Susan T. Santiago
Deputy Village Clerk

(SEAL)

Village of Lake Zurich



1-4-2

1-4-3

dollars (\$500.00) per year for serving as Liquor Commissioner, to be paid in equal monthly installments. All persons hereafter elected to the office of Trustee of the Village shall be compensated at a salary of three thousand dollars (\$3,000.00) per year, payable in equal monthly installments of two hundred fifty dollars (\$250.00). This shall be the only compensation or expenses paid to such persons. (Ord. 90-07-398, 7-2-1990)

1-4-3: **VILLAGE PRESIDENT:**

A. Powers And Duties:

1. President And Board Of Trustees: The Village President shall be President of the Board of Trustees as provided by statute. The President may be designated Mayor of the Village.

2. Supervisory Powers: The President shall be the chief executive officer of the Village and shall perform all such duties as may be required of him by statute or ordinance. He shall have general supervision over all the executive officers of the Village and over all of the employees of the Village. He shall have the power and authority to inspect at any reasonable time all books and records kept by any Village officer, employee or agent.

3. Designation Of Duties¹: The President shall settle any question as to the respective powers or duties of any appointed officer or employee of the Village. He shall have the power to delegate to any such officer any duty which is to be performed when no specific officer has been directed to perform the duty.

4. Appointments Of Officers: The President shall appoint, by and with the advice and consent of the Board of Trustees, all officers whose appointment which by law or ordinance he is empowered to fill, and whenever a vacancy occurs in any office, which by law or ordinance he is empowered to fill, he shall, within thirty (30) days after the happening of such vacancy, communicate to the Board the name of his appointee to such office, and pending the concurrence of the Board in such appointment, he may designate some suitable person to discharge the functions of such office².

1. See also Section 1-6-6 of this Title.

2. 65 ILCS 5/3.1-30-5.

5. **Removal Of Officers:** The President shall have the power to remove any officer appointed by him on any formal charge whenever he is of the opinion that the interests of the Village demand such removal. He shall report the reasons for such removal to the Board at a meeting to be held not less than five (5) days nor more than ten (10) days after such removal. If the President shall fail or refuse to file with the Clerk a statement of the reasons for such removal or if the Board, by a two-thirds ($\frac{2}{3}$) vote of all its members authorized by law to be elected, by "yeas" and "nays" to be entered upon its record, disapproves of such removal, such officer shall thereupon become restored to the office from which he was removed, but he shall give a new bond and take a new oath of office. No officer shall be removed a second time for the same offense¹.

6. **Signature Required:** The President shall sign all Village warrants, commissions, permits and licenses granted by authority of the Board, except as otherwise provided, and such other documents as law or ordinance may require.

7. **Peace Officer:** The President may exercise within the Village limits the powers conferred upon sheriffs by law to suppress disorder and keep the peace².

- B. **President Pro Tem:** During the temporary absence or disability of the President, the Board shall elect one of its number to act as President Pro Tem who, during the absence or disability of the President, shall perform the duties of the office³. (1989 Code)

1-4-4: **MEETINGS OF THE BOARD:**

- A. **Regular Meetings:** The Board of Trustees shall hold its regular meetings at the Village Hall, unless otherwise ordered, on the first and third Mondays of each month at seven thirty o'clock (7:30) P.M., except when such date falls on a legal holiday, in which event the meeting shall be held on the next succeeding business day. No notice of regular meetings shall be required.
- B. **Special Meetings:** The President or any three (3) of the Trustees may call special meetings of the Board at any time. The Clerk shall

1. 65 ILCS 5/3-11-1.

2. 65 ILCS 5/3-9-4.

3. 65 ILCS 5/3-11-7.

1420100018

PT NE NW; BEG SW COR LT19 IN FH KUEBKERS FIRST ADD TO PROSPECT PARK, SE132', SW // TO CEN
ROBERTSON AVE 170.7', NW // TO SW LN LT19 132' TO E LN RD, NE ALG E ROW LN TO POB
SECTION 20 TOWNSHIP 43 RANGE 10

1420104006

HERMAN HELPERS SUB (EX W PT TO L Z CREAMERY CO)
LOT 16

1420104018

HERMAN HELPERS SUB (EX PARTLY G SWLY OF A LN RUNG FR A PNT ON SELY LN LOT 15 79.9 FT SWLY
FR NELY COR THOF TO PNT ON NWLY LN SD LOT 60.7 FT SWLY FR NWLY COR THOF)
LOT 15



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

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 Tiered Approach to Corrective Action Objectives (TACO) Fact Sheet 3 available from the Illinois EPA by calling 1-888-299-9533 or by accessing it on the Illinois EPA Web site at <http://www.epa.state.il.us/land/taco/3-no-further-remediation-letters.html>.