



Speedway LLC

500 Speedway Drive
Enon, Ohio 45323
Telephone 937-864-3000

January 3, 2019

Mr. Vincent Priest
1400 Aurora Ave LLC
204 E. Chicago Avenue
Westmont, IL 60559

**Re: Notification of Request for a Groundwater Ordinance
LPC #0434675311 – DuPage County
Naperville / Speedway LLC No. 7439
1712 West Ogden Avenue
Leaking UST Incident No. 20150660**

Dear Mr. Priest:

Speedway LLC (Speedway) is performing an environmental response action at Speedway Station #7439, located at 1712 West Ogden Avenue, Naperville, Illinois. The response action is being performed to address petroleum-impacted soil and groundwater beneath that property. The response actions include the use of the proposed City of Naperville limited area groundwater ordinance, which is provided as **Attachment A**. On January 15, 2019, the Naperville City Council will consider this ordinance when they meet at 7 p.m. in City Council chambers at the Naperville Municipal Center located at 400 South Eagle Street, Naperville, IL 60540.

To protect human health, Illinois regulations require that Speedway demonstrate that the groundwater in the area of the release will not be used as potable water. ("Groundwater" is the water beneath the ground stored in the pores of soil and rock; some communities and homeowners pump this water out of wells to supply potable water. "Potable" means fit for human consumption, including drinking, bathing, preparing food, washing dishes, etc.). The property located at 1508 and 1532 Aurora Avenue, Naperville, Illinois, 60540, is included in the area covered by the ordinance. This means that one cannot install or use a private potable water well on this property. Based on the remediation objectives established in reliance on this ordinance, groundwater beneath this property may not be fit for human consumption.

To learn more about Speedway Station #7439, please contact the undersigned, or the Illinois Environmental Protection Agency, Bureau of Land project manager, Mr. Scott Rothering at (217) 782-785-1858. You may also obtain a copy of the complete Illinois EPA file for this site. To do so, you will need to submit a written request with your signature to the Freedom of Information Act (FOIA) Officer, Illinois EPA, Bureau of Land, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois, 62794-9276. When requesting a copy of the file, please reference the file heading below:

LPC #0434675311 - DuPage County
Naperville / Speedway Station #7439
1712 West Ogden Avenue
LUST Incident No. 20150660

If you have any questions or need additional information, please do not hesitate to contact the undersigned at (937) 863-7224.

Sincerely,
SPEEDWAY LLC

A handwritten signature in blue ink that reads "J. Travis Powell". The signature is written in a cursive style with a large, stylized "J" and "P".

J. Travis Powell
Environmental Representative

Attachment: Proposed Limited Area Groundwater Ordinance

Copy: Remediation File Store No. 7439
Reimbursement File Store No. 7439
Jenny Roether (ATC)

P.I.N.s: 07-23-110-017
07-23-110-020

PREPARED BY:

JENNY ROETHER
ATC GROUP SERVICES LLC
1305 REMINGTON ROAD, SUITE A
SCHAUMBURG, IL 60173

RETURN TO:

CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

ORDINANCE NO. 19 - _____

**AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER
AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER
SUPPLY WELLS OR BY ANY OTHER METHOD WITHIN SPECIFIED LIMITS ON
PROPERTIES LOCATED AT 1712 WEST OGDEN AVENUE, 1508 AURORA AVENUE, AND
1532 AURORA AVENUE, NAPERVILLE, ILLINOIS, INCLUDING POINTS OF
WITHDRAWAL BY THE CITY OF NAPERVILLE**

WHEREAS, certain properties in the City of Naperville, Illinois have been used over a period of time for commercial or industrial purposes; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City of Naperville may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1 remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the City of Naperville desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are the source of said chemical constituents;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers that:

SECTION 1: Recitals Incorporated. The foregoing Recitals are substantive and are incorporated in this Section 1 as though fully set forth.

SECTION 2: Use of groundwater as a potable water supply prohibited. Except for such uses or methods in existence before the effective date of this ordinance, the use of, or attempt to use of, groundwater from within the corporate limits of the City of Naperville in that area of the City of Naperville as legally described and depicted on Exhibit "A" attached hereto, as a potable water supply, by the installation or drilling of wells or by any other method, is hereby prohibited. This prohibition expressly includes the City of Naperville.

SECTION 3: Penalties. Any person violating the provisions of this ordinance shall be subject to a fine of up to \$500.00 for each violation, and each day a violation continues shall constitute a separate offense.

SECTION 4: Definitions. "Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

"Potable water" is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

SECTION 5: Repealer. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

SECTION 6: Severability. If any provision of this ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

SECTION 7: Recording. This Ordinance, along with Exhibit A attached hereto, and an instrument from the IEPA memorializing IEPA's determination of "NFR" as to the property located at 1712 West Ogden Avenue, Naperville, IL 60540 as described on Exhibit A, shall be recorded with the Office of the DuPage County Recorder within forty-five (45) days of receipt of a determination of "NFR" by the IEPA, and a copy of such recorded documents shall further be submitted to the Environmental Health Services Division of the DuPage County Health Department and with the IEPA within thirty (30) days after said recording.

SECTION 8: Effective date. This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED this _____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2019.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk

EXHIBIT A

City of Naperville
Limited Area Ordinance Area and Description

PROPERTY DESCRIPTION

**1508, 1532 Aurora Avenue
Naperville, IL 60540
PIN 07-23-110-020**

LOT 1 OF STANDARD MARKET OF NAPERVILLE SUBDIVISION, BEING A SUBDIVISION IN PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PLATTED AND RECORDED AS DOCUMENT NUMBER R2012-097437, ALL IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

**1712 West Ogden Avenue
Naperville, IL 60540
PIN 07-23-110-017**

LOT 1 OF DWIGHT'S SUBDIVISION, BEING A SUBDIVISION IN PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PLATTED AND RECORDED AS DOCUMENT NUMBER R1986-107802, ALL IN DUPAGE COUNTY, ILLINOIS.



PIN # 07-23-110-017
1712 WEST OGDEN AVE.
NAPERVILLE, IL 60540

PIN # 07-23-110-020
1508, 1532 AURORA AVENUE
NAPERVILLE, IL 60540



*EXTENT OF LIMITED AREA
GROUNDWATER ORDINANCE*

ATC GROUP SERVICES LLC				
1305 Remington Road, Suite A Schaumburg, Illinois 60173		Phone 847.518.3430 Fax 847.518.3431		
PROPOSED LIMITED GROUNDWATER ORDINANCE AREA		SPEEDWAY LLC NO. 7439 1712 WEST OGDEN AVENUE NAPERVILLE, ILLINOIS		
DATE	SCALE	REVIEWED	DWN. BY	FIGURE
12/21/2018	AS SHOWN	WES	JLB	1



Receipt

Print Date: Jan 03, 2019

RETURN TO

1305 Remington Road
Suite A
Schaumburg, IL 60173

SHIP TO

Mr Vincent Priest
204 E. Chicago Avenue
Westmont, IL 60559

REFERENCE

Ship Date: Jan 03, 2019
Ship from ZIP: 60173
Weight: 0 lbs. 2 oz.
User: atcgs-002
Cost Code: <None>
Refund Type: Mail-in
Reference #: 7439 GWO Request
Printed on: Envelope/mailing label
Tracking #: 70131090000014756033

SERVICE

First Class ® Large Envelope/Flat	\$1.21
Electronic Return Receipt	\$1.50
Insurance (N/A)	
Certified Mail Cost	\$3.45

UNIT PRICE

Subtotal	\$6.16
Label Quantity	1
Total Cost	\$6.16