



Illinois Environmental Protection Agency

Bureau of Land • 1021 N. Grand Avenue E. • P.O. Box 19276 • Springfield • Illinois • 62794-9276

HIGHWAY AUTHORITY AGREEMENT

This Agreement is entered into this ____ day of _____, 20____ pursuant to 35 Ill. Adm. Code 742.1020 by and between the (1) Second Century Enterprises, Inc. ("Property Owner") [or, in the case of a petroleum leaking underground storage tank (UST), the owner/operator of the tank ("Owner/Operator")] and (2) Village of Oak Park [Name of Entity in Control of the Right-of-Way] ("Highway Authority"), collectively known as the "Parties."

[Use this paragraph for sites with petroleum leaking underground storage tank(s)]
WHEREAS, Property Owner is the owner or operator of one or more leaking underground storage tanks presently or formerly located at 427 Madison Street, Oak Park, Illinois 60302 ("the Site");

[Use this paragraph for sites that do not have petroleum leaking USTs]
WHEREAS, _____ is the owner of the property located at _____ ("the Site");

WHEREAS, as a result of one or more releases of from the above referenced USTs contaminants ("the Release(s)"), soil and/or groundwater contamination at the Site exceeds the Tier 1 residential remediation objectives of 35 Ill. Adm. Code 742;

WHEREAS, the soil and/or groundwater contamination exceeding Tier 1 residential remediation objectives extends or may extend into the Highway Authority's right-of-way;

WHEREAS, the Owner/Operator or Property Owner is conducting corrective action in response to the Release(s);

WHEREAS, the Parties desire to prevent groundwater beneath the Highway Authority's right-of-way that exceeds Tier 1 remediation objectives from use as a supply of potable or domestic water and to limit access to soil within the right-of-way that exceeds Tier 1 residential remediation objectives so that human health and the environment are protected during and after any access;

NOW, THEREFORE, the Parties agree as follows:

1. The recitals set forth above are incorporated by reference as if fully set forth herein.
2. [Use this paragraph if IEMA has issued an incident number] The Illinois Emergency Management Agency has assigned incident number(s) 901088/20050027 to the Release(s).
3. Attached as Exhibit A is a scaled map(s) prepared by the Owner/Operator that shows the Site and surrounding area and delineates the current and estimated future extent of soil and groundwater contamination above the applicable Tier 1 residential remediation objectives as a result of the Release(s).
[Use the following sentence if either soil or groundwater is not contaminated above applicable Tier 1 residential remediation objectives: _____ is not contaminated above the applicable Tier 1 residential remediation objectives.]
4. Attached as Exhibit B is a table(s) prepared by the Owner/Operator that lists each contaminant of concern that exceeds its Tier 1 residential remediation objective, its Tier 1 residential remediation objective and its concentrations within the zone where Tier 1 residential remediation objectives are exceeded. The locations of the concentrations listed in Exhibit B are identified on the map(s) in Exhibit A.

5. Attached as Exhibit C is a scaled map prepared by the Owner/Operator showing the area of the Highway Authority's right-of-way that is governed by this agreement ("Right-of-Way"). Because Exhibit C is not a surveyed plat, the Right-of-Way boundary may be an approximation of the actual Right-of-Way lines.
6. *[Use this paragraph if samples have not been collected within the Right-of-Way, sampling within the Right-of-Way is not practical, and contamination does not extend beyond the Right-of-Way.]* Because the collection of samples within the Right-of-Way is not practical, the Parties stipulate that, based on modeling, soil and groundwater contamination exceeding Tier 1 residential remediation objectives does not and will not extend beyond the boundaries of the Right-of-Way.
7. The Highway Authority stipulates it has jurisdiction over the Right-of-Way that gives it sole control over the use of the groundwater and access to the soil located within or beneath the Right-of-Way.
8. The Highway Authority agrees to prohibit within the Right-of-Way all potable and domestic uses of groundwater exceeding Tier 1 residential remediation objectives.
9. The Highway Authority further agrees to limit access by itself and others to soil within the Right-of-Way exceeding Tier 1 residential remediation objectives. Access shall be allowed only if human health (including worker safety) and the environment are protected during and after any access. The Highway Authority may construct, reconstruct, improve, repair, maintain and operate a highway upon the Right-of-Way, or allow others to do the same by permit. In addition, the Highway Authority and others using or working in the Right-of-Way under permit have the right to remove soil or groundwater from the Right-of-Way and dispose of the same in accordance with applicable environmental laws and regulations. The Highway Authority agrees to issue all permits for work in the Right-of-Way, and make all existing permits for work in the Right-of-Way, subject to the following or a substantially similar condition:

As a condition of this permit the permittee shall request the office issuing this permit to identify sites in the Right-of-Way where a Highway Authority Agreement governs access to soil that exceeds the Tier 1 residential remediation objectives of 35 Ill. Adm. Code 742. The permittee shall take all measures necessary to protect human health (including worker safety) and the environment during and after any access to such soil.

10. This agreement shall be referenced in the Agency's no further remediation determination issued for the Release(s).
11. The Agency shall be notified of any transfer of jurisdiction over the Right-of-Way at least 30 days prior to the date the transfer takes effect. This agreement shall be null and void upon the transfer unless the transferee agrees to be bound by this agreement as if the transferee were an original party to this agreement. The transferee's agreement to be bound by the terms of this agreement shall be memorialized at the time of transfer in a writing ("Rider") that references this Highway Authority Agreement and is signed by the Highway Authority, or subsequent transferor, and the transferee.
12. This agreement shall become effective on the date the Agency issues a no further remediation determination for the Release(s). It shall remain effective until the Right-of-Way is demonstrated to be suitable for unrestricted use and the Agency issues a new no further remediation determination to reflect there is no longer a need for this agreement, or until the agreement is otherwise terminated or voided.
13. In addition to any other remedies that may be available, the Agency may bring suit to enforce the terms of this agreement or may, in its sole discretion, declare this agreement null and void if any of the Parties or any transferee violates any term of this agreement. The Parties or transferee shall be notified in writing of any such declaration.
14. This agreement shall be null and void if a court of competent jurisdiction strikes down any part or provision of the agreement.
15. This agreement supersedes any prior written or oral agreements or understandings between the Parties on the subject matter addressed herein. It may be altered, modified or amended only upon the written consent and agreement of the Parties.
16. Any notices or other correspondence regarding this agreement shall be sent to the Parties at following addresses:

Manager, Division of Remediation Management
Bureau of Land
Illinois Environmental Protection Agency
P.O. Box 19276
Springfield, IL 62974-9276

Village of Oak Park

(Contact at Highway Authority)

Address 123 Madison Street
City Oak Park
State Illinois
Zip Code 60302

Property Owner or Owner/Operator

Name Second Century Enterprises, Inc.
Address 6540 West Roosevelt Road
City Oak Park
State Illinois
Zip Code 60302

IN WITNESS WHEREOF, the Parties have caused this agreement to be signed by their duly authorized representatives.

[NAME OF LOCAL GOVERNMENT]

Date: _____

By: _____

Its: Cara Pavlicek, Village Manager

Property Owner or Owner/Operator

Date: _____

By: _____

Title

Exhibit: A

DRAWING SOURCE:
ALTAACSM Plat of Survey dated November 24, 2004 prepared by
Mustafa I. Hassan, Illinois Professional Land Surveyor #3191, 1535
Fieldcrest Drive, West Chicago, Illinois.

LEGAL DESCRIPTION:
LOT 1, IN BLOCK 8 IN SUBDIVISION OF BLOCKS 7 AND 8 OF
S.T. GUNDERSON AND SONS ADDITION TO OAK PARK, A
SUBDIVISION OF THE EAST 1/4 OF BLOCK 4 IN B.F. JERVIS'S
SUBDIVISION, IN SECTION 18, TOWNSHIP 39 NORTH, RANGE
13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK
COUNTY, ILLINOIS.

Containing 6,978.6 Square Feet or 0.160 Acres

PROPERTY INDEX NUMBER (PIN):
15-18-206-014-0000

UTILITY LOCATIONS:
Utilities are as located by J.U.L.I.E. Village of Oak Park and/or as
observed by the engineer in the field.

UTILITY KEY:
---S--- Indicates Combined Storm/Sanitary Sewer Location
---W--- Indicates Water Supply Line Location
---G--- Indicates Natural Gas Supply Line Location
---CV--- Indicates Cable Vault Location

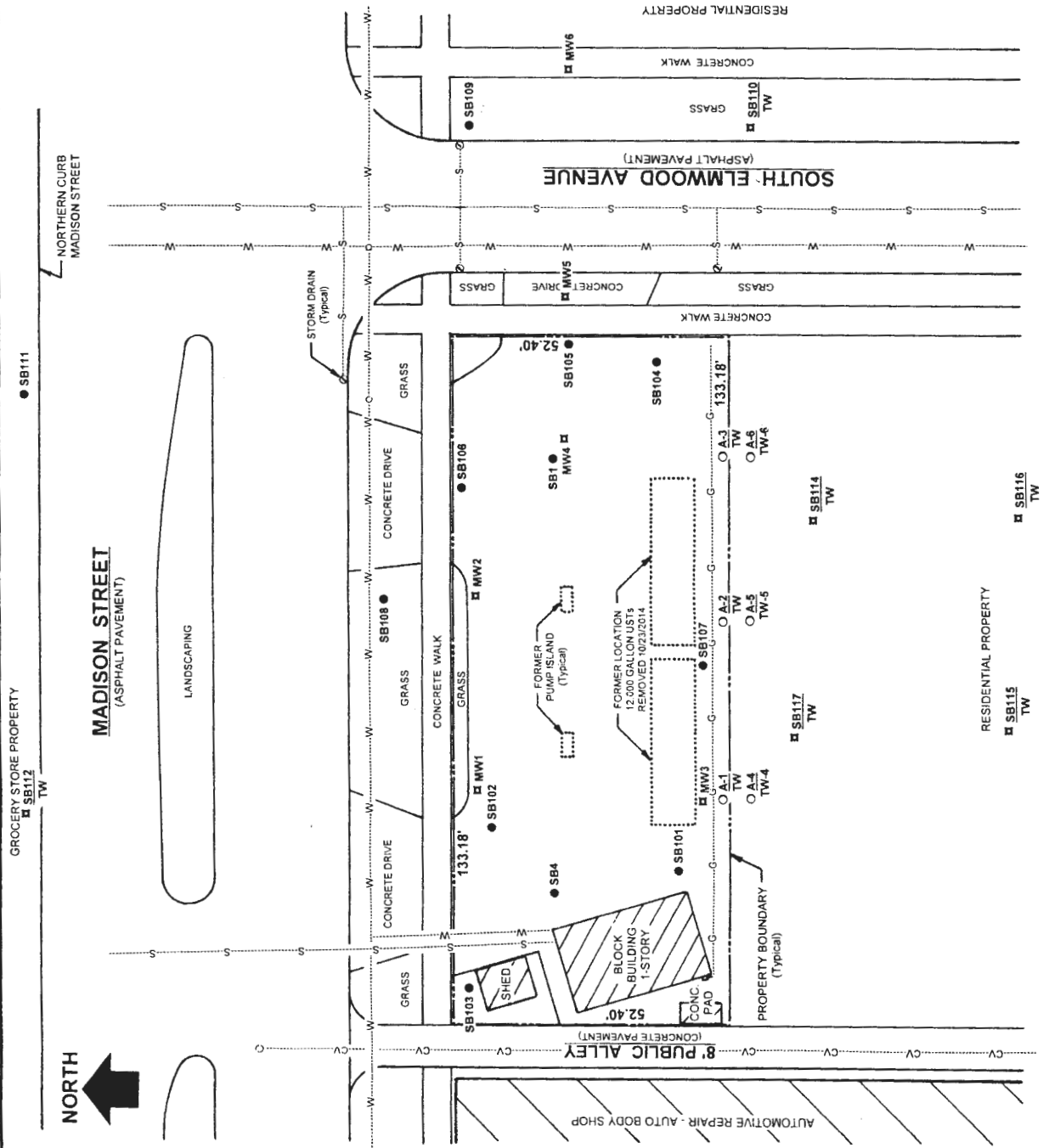
TANK CHART:
TANK #1: 6,000 Gallon Gasoline UST .. Removed 04/01/1990
TANK #2: 6,000 Gallon Gasoline UST .. Removed 04/01/1990
Tanks #1 & #2 are associated with LUST Incident #901088
TANK #3: 12,000 Gallon Gasoline UST .. Removed 10/23/2014
TANK #4: 12,000 Gallon Gasoline UST .. Removed 10/23/2014
Tanks #3 & #4 are associated with LUST Incident #20050027
NOTE: Tanks #1 & #2 were located in the same approximate
location as Tanks #3 & #4.

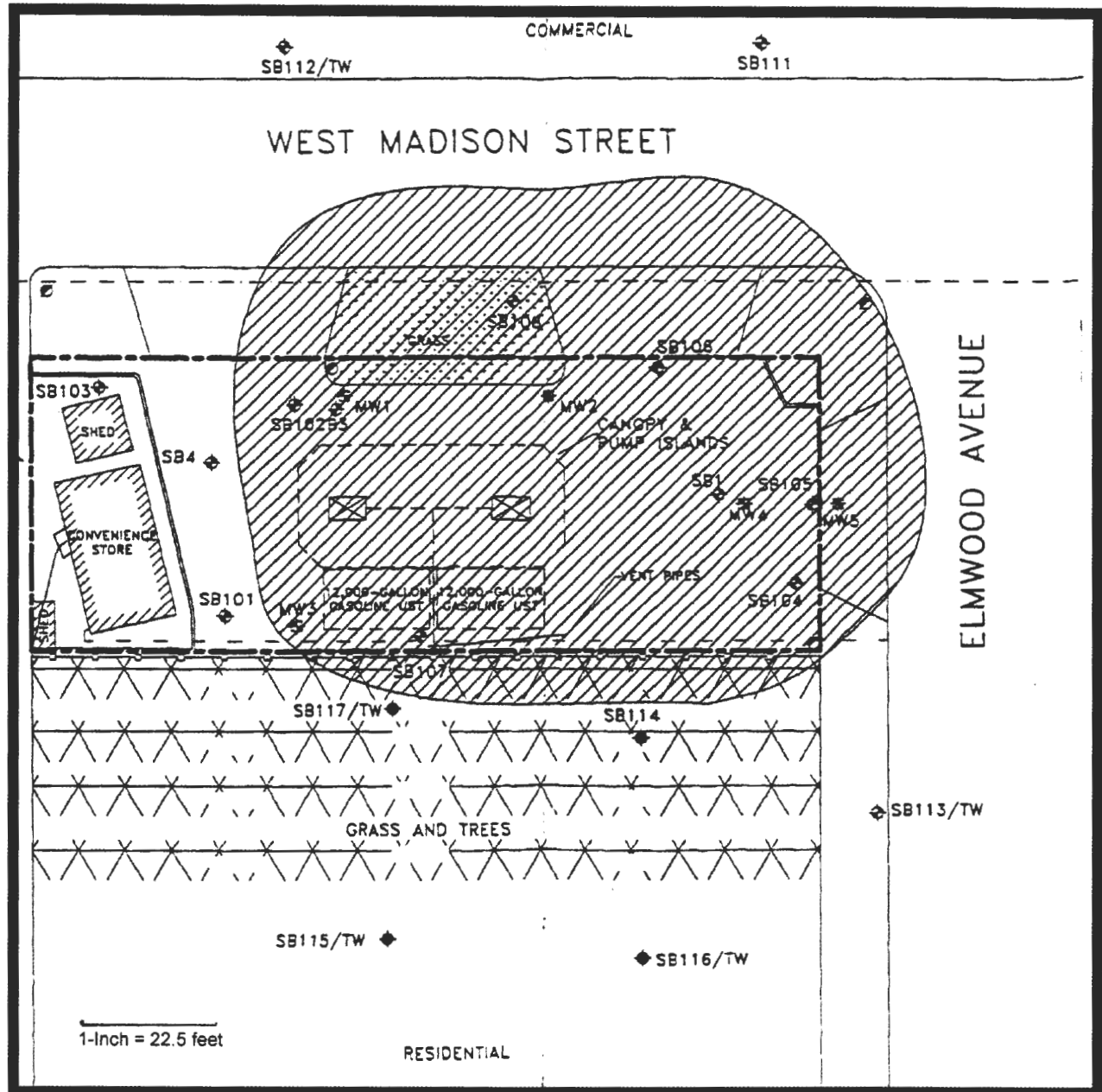
SCALE:
20 10 0 1-Inch = 20-Feet

BORING KEY:

- SB110 Indicates Soil Boring SB110 Location
- TW Indicates Temporary Monitoring Well Installed
- MW1 Indicates Groundwater Monitoring Well MW1 Location
- SB101 Indicates Soil Boring SB101 Location
- OA-1 Indicates Soil Boring A-1 Location
- TW-1 Indicates Temporary Well TW-1 Location

FIGURE 5
INVESTIGATIVE SOIL BORING AND
GW MONITORING WELL LOCATIONS
Second Century Enterprises, Inc.
427 Madison Street
Oak Park, Illinois 60302
LUST Incident #901088 & 20050027
Adept Environmental Solutions, Inc.





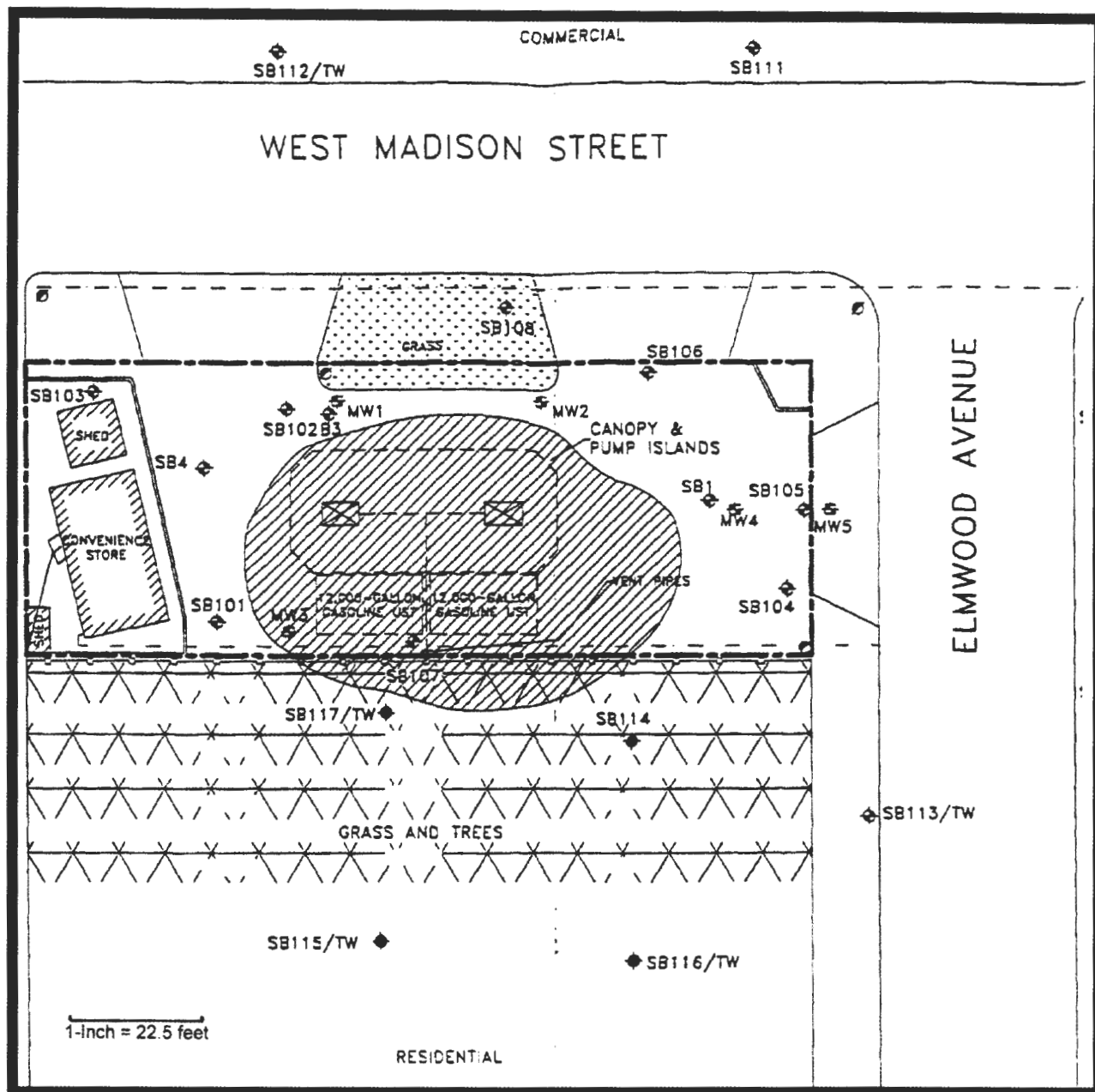
Drawing Source:
Environmental Protection Industries
16650 South Canal Street
South Holland, Illinois 60473

Extent of Soil Contamination

Gas Station Property

427 West Madison Street
Oak Park, Illinois 60302

Adept Environmental Solutions, Inc.



Drawing Source:
Environmental Protection Industries
16650 South Canal Street
South Holland, Illinois 60473

Extent of Groundwater Contamination

Gas Station Property

427 West Madison Street
Oak Park, Illinois 60302

Adept Environmental Solutions, Inc.

Exhibit: B

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SOIL

SOIL		Chemical Name	Benzene	Toluene	Ethylbenzene	Xylenes (Total)	MTBE	
Exposure Values*	Residential	Ingestion	12	16000	7800	16000	780	Pass **
		Inhalation	0.8	650	400	320	8800	
	Industrial/Commercial	Ingestion	100	410000	200000	410000	20000	
		Inhalation	1.6	650	400	320	8800	
	Construction Worker	Ingestion	2300	410000	20000	41000	2000	
		Inhalation	2.2	42	58	5.6	140	
	Soil Component GW Ingestion Route	Class I	100	10	10	150	100	
		Class II	100	20	10	150	100	

Sample	Date	Depth	Analysis Results					
SB-1	01/07/05	4'-6'	ND	ND	ND	ND	ND	Pass
SB-4	01/07/05	6'-8'	ND	ND	ND	ND	ND	Pass
SB-101	11/11/05	4'-6'	ND	ND	ND	ND	ND	Pass
SB-101	11/11/05	8'-10'	ND	ND	ND	ND	ND	Pass
SB-102	09/01/05	4'-6'	0.001	ND	ND	ND	0.001	Pass
SB-102	09/01/05	12'-14'	0.001	ND	ND	ND	ND	Pass
SB-103	11/11/05	4'-6'	ND	ND	ND	ND	ND	Pass
SB-103	11/11/05	10'-12'	ND	ND	ND	ND	ND	Pass
SB-104	11/11/05	4'-6'	0.001	1.770	0.001	4.480	0.507	Pass
SB-104	11/11/05	6'-8'	0.001	1.530	0.001	0.001	0.001	Pass
SB-105	09/01/05	4'-6'	0.001	0.001	0.001	0.001	0.001	Pass
SB-105	09/01/05	12'-14'	0.001	10.600	0.001	0.001	0.001	Pass
SB-106	09/01/05	4'-6'	0.001	0.001	0.001	0.001	0.001	Pass
SB-106	09/01/05	12'-14'	0.001	1.570	0.001	0.001	0.001	Pass
SB-107	09/01/05	6'-8'	0.001	0.001	0.001	0.001	0.001	Pass
SB-107	09/01/05	12'-14'	0.001	1.170	0.001	0.001	0.001	Pass
SB-108	09/01/05	6'-8'	0.001	0.001	0.001	0.001	0.001	Pass
SB-108	09/01/05	12'-14'	0.001	ND	0.001	1.240	ND	Pass

* Illinois Environmental Protection Agency (IEPA) - 35 Illinois Administrative Code Part 742 - Tiered Approach to Corrective Action Objectives (TACO) Tier 1 Soil Remediation Objectives

Results are in parts per million (ppm) (mg/Kg) unless otherwise noted NA= Not Analyzed

Route Values Highlighted in BLUE Indicate the most stringent TACO Objective.

K & S ENGINEERS CORRECTIVE ACTION REPORT, August 30, 2001

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SOIL

SOIL		Chemical Name	Benzene	Toluene	Ethylbenzene	Xylenes (Total)	MTBE	
Exposure Values*	Residential	Ingestion	12	16000	7800	16000	780	Pass - **
		Inhalation	0.8	650	400	320	8800	
	Industrial/Commercial	Ingestion	100	410000	200000	410000	20000	
		Inhalation	1.6	650	400	320	8800	
	Construction Worker	Ingestion	2300	410000	20000	41000	2000	
		Inhalation	2.2	42	58	5.6	140	
	Soil Component GW Ingestion Route	Class I	0.03	12	13	150	0.32	
		Class II	0.17	28	19	150	0.32	

Sample	Date	Depth	Analysis Results					
B-16	08/27/98	3'-6'	ND	ND	ND	ND	NA	Pass
B-18	08/27/98	2'-4'	ND	0.0070	ND	ND	NA	Pass
B-19	08/27/98	6'-8'	ND	ND	ND	ND	NA	Pass
B-20	08/27/98	6'-8'	ND	ND	ND	ND	NA	Pass
B-21	09/18/98	12'-14'	ND	ND	ND	ND	NA	Pass
B-22	09/18/98	6'-8'	ND	ND	ND	ND	NA	Pass
B-23	09/18/98	2'-4'	ND	0.0017	ND	0.0014	NA	Pass
B-24	09/18/98	0'-2'	33.0000	275.0000	100.0000	120.0000	NA	
B-1A	07/20/01	3'-6'	0.6600	ND	2.8000	2.2000	NA	
B-2A	07/20/01	6'-9'	11.0000	0.6900	14.0000	7.3400	NA	
B-4A	07/20/01	6'-9'	3.4000	0.4400	20.0000	15.1000	NA	
B-5A	07/20/01	6'-8'	0.6600	ND	10.0000	5.9600	NA	
B-7A	07/20/01	3'-6'	8.0000	2.1000	47.0000	15.0600	NA	

* Illinois Environmental Protection Agency (IEPA) - 35 Illinois Administrative Code Part 742 - Tiered Approach to Corrective Action Objectives (TACO) Tier 1 Soil Remediation Objectives

Results are in parts per million (ppm) (mg/Kg) unless otherwise noted

Route Values Highlighted in BLUE indicate the most stringent TACO Objective.

Pass = Sample meets maximum IEPA Corrective Action Objective specified

ENVIRONMENTAL PROTECTION INDUSTRIES

Reference Corrective Action Plan dated January 10, 2007

GROUNDWATER	Groundwater Objectives*		Groundwater Sample Designation and Analysis Results			
			MW-1	MW-2	MW-3	MW-4
	Class I	Class II				
BTEX						
Benzene	0.005	0.025	ND	ND	0.001	ND
Toluene	1	2.5	ND	ND	0.00643	ND
Ethylbenzene	0.7	1	ND	ND	0.691	ND
Xylenes (Total)	10	10	ND	ND	0.201	ND
MTBE						
Methyl Tertiary Butyl Ether	0.07	0.07	ND	ND	0.00725	0.006
	PASS / **		PASS	PASS	**	PASS
* Illinois Environmental Protection Agency (IEPA) - 35 Illinois Administrative Code Part 742 - Tiered Approach to Corrective Action Groundwater Component of the Groundwater Ingestion Route Results are in parts per million (ppm) (mg/Kg) unless otherwise noted ND = Not Detected at or above the specified laboratory reporting limit						
Report = Groundwater Data for EPA Corrective Action on October 10, 2006						Date Sampled 11/11/05

SOIL

SOIL			Chemical Name	Benzene	Toluene	Ethylbenzene	Xylenes (Total)	MTBE		
Exposure Values*	Residential	Ingestion	12	16000	7800	16000	780	Pass **		
		Inhalation	0.8	650	400	320	8800			
	Industrial/Commercial	Ingestion	100	410000	200000	410000	20000			
		Inhalation	1.6	650	400	320	8800			
	Construction Worker	Ingestion	2300	410000	20000	41000	2000			
		Inhalation	2.2	42	58	5.6	140			
	Soil Component GW Ingestion Route	Class I	0.03	12	12	150	0.32			
		Class II	0.17	29	19	150	0.32			
	Sample	Date	Depth	Analysis Results						
	A-1-1	11/14/16	2.5'	<0.005	<0.005	<0.005	<0.005		<0.005	Pass
A-1-2	11/14/16	7.5'	<0.005	<0.005	<0.005	<0.005	<0.005	Pass		
A-1-3	11/14/16	12.5'	<0.005	<0.005	<0.005	<0.005	<0.005	Pass		
A-2-1	11/14/16	2.5'	<0.005	<0.005	<0.005	<0.005	<0.005	Pass		
A-2-2	11/14/16	8.0'	0.5100	<0.500	0.7500	141.0000	<0.320	Pass		
A-2-3	11/14/16	12.0'	<0.005	<0.005	<0.005	<0.005	<0.005	Pass		
A-3-1	11/14/16	2.5'	<0.005	0.0051	<0.005	<0.005	<0.005	Pass		
A-3-2	11/14/16	7.5'	<0.005	<0.005	<0.005	<0.005	<0.005	Pass		
A-3-3	11/14/16	12.5'	<0.005	<0.005	<0.005	<0.005	<0.005	Pass		
A-4-1	11/14/16	2.5'	<0.005	<0.005	<0.005	<0.005	<0.005	Pass		
A-4-2	11/14/16	7.5'	<0.005	<0.005	<0.005	<0.005	<0.005	Pass		
A-4-3	11/14/16	12.5'	<0.005	<0.005	<0.005	<0.005	<0.005	Pass		
A-5-1	11/14/16	2.5'	<0.005	<0.005	<0.005	<0.005	<0.005	Pass		
A-5-2	11/14/16	7.5'	<0.005	<0.005	0.1090	0.0883	<0.005	Pass		
A-5-3	11/14/16	12.5'	<0.005	<0.005	<0.005	<0.005	<0.005	Pass		
A-6-1	11/14/16	2.5'	<0.005	<0.005	<0.005	<0.005	<0.005	Pass		
A-6-2	11/14/16	7.5'	<0.005	<0.005	<0.005	<0.005	<0.005	Pass		
A-6-3	11/14/16	12.5'	<0.005	<0.005	<0.005	<0.005	<0.005	Pass		
* Illinois Environmental Protection Agency (IEPA) - 35 Illinois Administrative Code Part 742 -										
Tiered Approach to Corrective Action Objectives (TACO) Tier 1 Soil Remediation Objectives										
Results are in parts per million (ppm) (mg/Kg) unless otherwise noted										
Route Values Highlighted in BLUE Indicate the most stringent TACO Objective.										
PASS = Sample result meets the IEPA Corrective Action Objective specified.										
* = Sample result fails to meet IEPA Corrective Action Objective specified.										

ADEPT ENVIRONMENTAL SOLUTIONS, INC.

Groundwater Sample Designation and Analysis Results												
GROUNDWATER	Chemical Name	Groundwater Objectives*		TW-1	TW-2	TW-3	TW-4	TW-5	TW-6	MW-1	MW-3	MW-5
		Class I	Class II									
BTEX												
	Benzene	0.005	0.025	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005
	Toluene	1	2.5	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005
	Ethylbenzene	0.7	1	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	0.0114
	Xylenes (Total)	10	10	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	0.0274
MTBE												
	Methyl Tertiary Butyl Ether	0.07	0.07	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	0.0230	<0.005	<0.005
PASS / ++				Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass
* Illinois Environmental Protection Agency (IEPA) - 35 Illinois Administrative Code Part 742 - Tiered Approach to Corrective Action Objectives (TACO)												
Groundwater Component of the Groundwater Ingestion Route												
Results are in parts per million (ppm) (mg/Kg) unless otherwise noted												
ND = Not Detected at or above the specified laboratory reporting limit												
PASS = Sample result meets the IEPA Corrective Action Objective specification												
Date Sampled 11/29/16												

* Illinois Environmental Protection Agency (IEPA) - 35 Illinois Administrative Code Part 742 - Tiered Approach to Corrective Action Objectives (TACO)

Groundwater Component of the Groundwater Ingestion Route

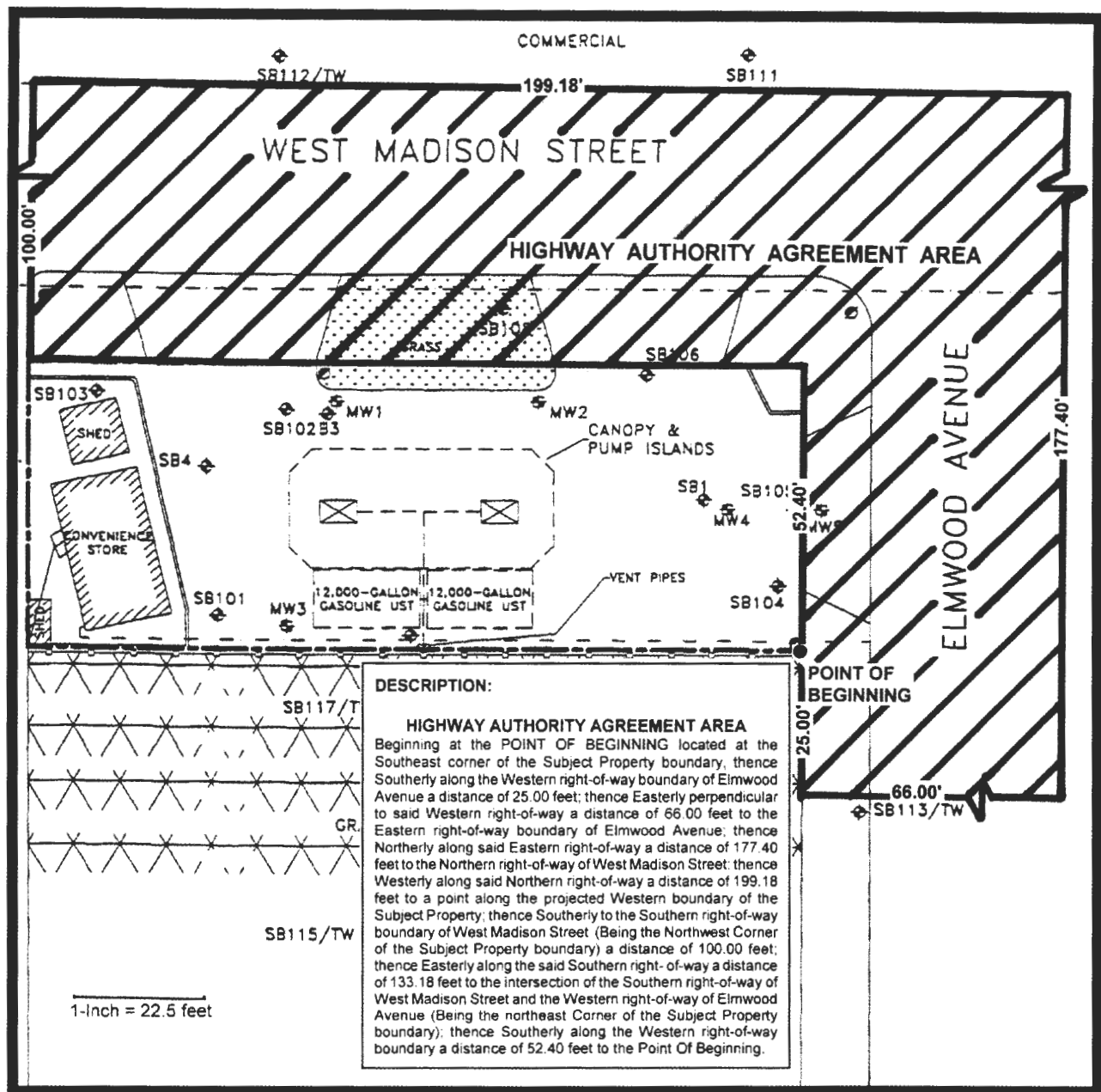
Results are in parts per million (ppm) (mg/Kg) unless otherwise noted

ND = Not Detected at or above the specified laboratory reporting limit

PASS = Sample Result meets the IEPA Corrective Action Objectives

Date
Sampled
11/29/16

Exhibit: C



Drawing Source:
 Environmental Protection Industries
 16650 South Canal Street
 South Holland, Illinois 60473

Highway Authority Agreement Area

Gas Station Property

427 West Madison Street
 Oak Park, Illinois 60302

Adept Environmental Solutions, Inc.

Exhibit: D

LEGAL DESCRIPTION:

LOT 1 IN BLOCK 8 IN SUBDIVISION OF BLOCKS 7 AND 8 OF S. T. GUNDERSON AND SONS ADDITION TO OAK PARK, A SUBDIVISION OF THE EAST ½ OF BLOCK 4 IN B. F. JERVIS'S SUBDIVISION, IN SECTION 18, TOWNSHIP 39 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Containing: 6978.6 Square Feet or 0.160 Acres

Commonly Addressed as: 427 West Madison Street

P.I.N.: 16-18-206-014-0000

LEGAL DESCRIPTION

Gas Station Property

427 West Madison Street
Oak Park, Illinois 60302

Adept Environmental Solutions, Inc.