

A RESOLUTION APPROVING A
HIGHWAY AUTHORITY AGREEMENT

BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION ONE: A certain Highway Authority Agreement between the Village of Arlington Heights and BP Products N.A., concerning institutional controls to eliminate the exposure risk of petroleum impacted soil and/or groundwater within the right-of-way near 102 W Northwest Hwy, Arlington Heights, Illinois, a true and correct copy of which is attached hereto, be and the same is hereby approved.

SECTION TWO: The Village President is hereby authorized and directed to execute said agreement on behalf of the Village of Arlington Heights.

SECTION THREE: This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

AYES:

NAYS:

PASSED AND APPROVED this 4th day of February, 2019.

Village President

ATTEST:

Village Clerk

HIGHWAY AUTHORITY AGREEMENT

THIS AGREEMENT is entered into this ___ day of ____, ____ pursuant to 35 Ill. Adm. Code 742.1020 by and between the (1) **British Petroleum North America (BPNA)** ("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 Arlington Heights** ("Highway Authority"), collectively known as the "Parties."

WHEREAS, BPNA is the former owner or operator of one or more leaking underground storage tanks presently or formerly located at 102 West Northwest Highway ("the Site");

WHEREAS, as a result of one or more releases of contaminants from the above referenced USTs ("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. The Illinois Emergency Management Agency has assigned incident number(s) 20020118 to the Release(s).
3. Attached as Exhibit A is a scaled map(s) prepared by the Property Owner 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).
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. 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.
7. The Highway Authority agrees to prohibit within the Right-of-Way all potable and domestic uses of groundwater exceeding Tier 1 residential remediation objectives.
8. 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.

9. This Agreement shall be referenced in the Agency's no further remediation determination issued for the Release(s).
10. 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.
11. 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.
12. 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.

13. This Agreement shall be null and void if a court of competent jurisdiction strikes down any part or provision of the Agreement.
14. 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.
15. Any notices or other correspondence regarding this Agreement shall be sent to the Parties at following addresses:

For the Highway Authority:
Owner/Operator:
Village of Arlington Heights
Director of Public Works
222 N Ridge
Arlington Heights, IL 60005

For the Property Owner or:

British Petroleum North America (BPNA)
Jim Smith
201 Helios Way
Houston, TX 77079

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

VILLAGE OF ARLINGTON HEIGHTS

British Petroleum North America (BPNA)



Jerome Oertling (on behalf of BPNA)

Village President

Date

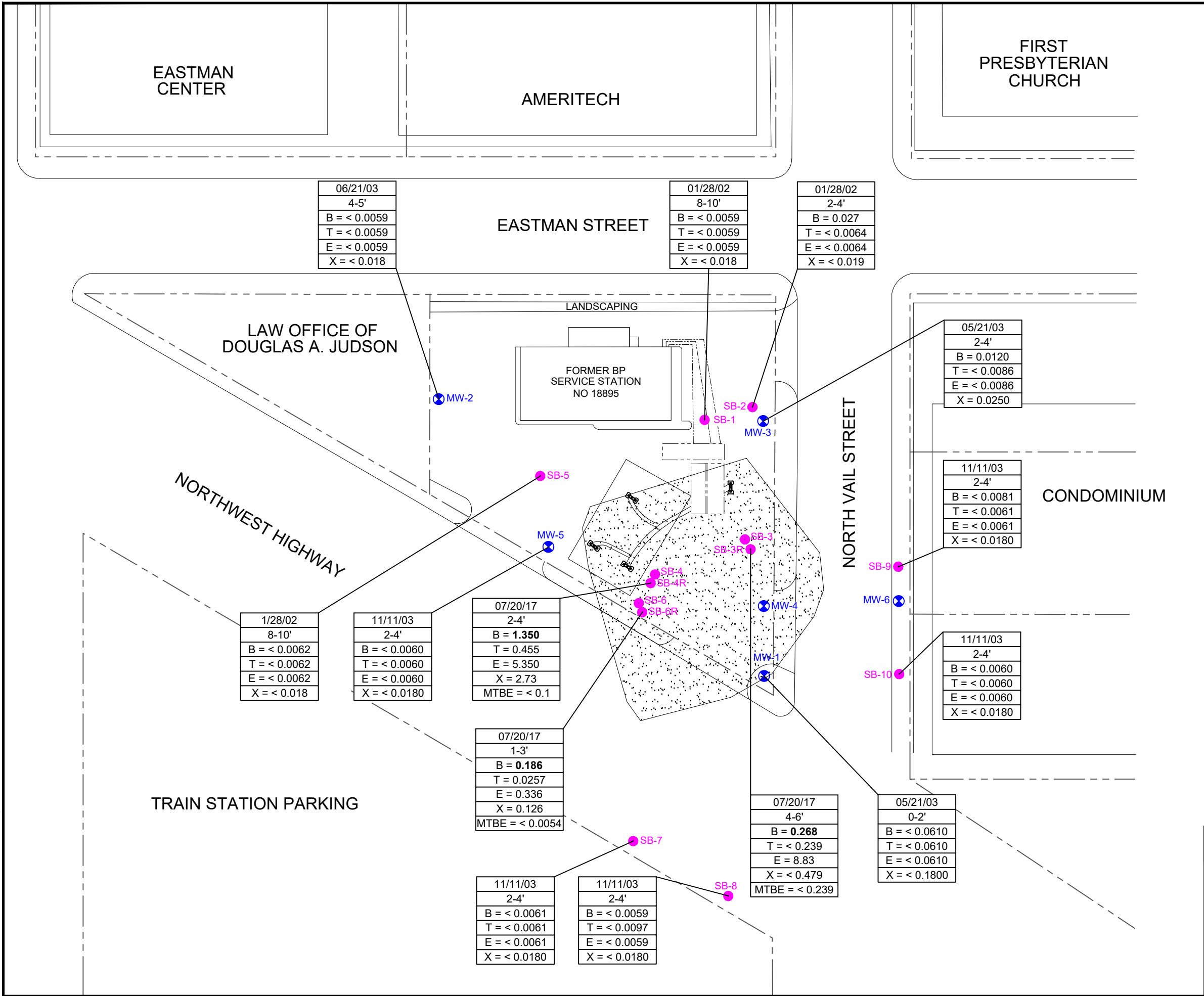
January 18, 2019
Date

Exhibit A

Figure 1 – Estimated Soil Impact
Scaled Map

Figure 2 – Estimated
Groundwater Impact Scaled Map

CITY(Read) DIV/GRUP(Read) DB(Read) LD(Out) PIC(Out) PM(Read) TM(Out) LVR(Option)=-OFF=REF- C:\Users\j1040\OneDrive - ARCADIS\BIM 360 Docs\BP AMOCO CORPORATION\BP Fogglove 4 - IL-18895\2018\GP18895-SAM-Figs.dwg LAYOUT: 3 SAVED: 3/30/2018 2:46 PM ACADVER: 21.05 (LMS TECH) PAGES: 10 PLOTSETUP: ---- PLOTSTYLETABLE: ARCADIS.CTB PLOTTED: 3/30/2018 3:13 PM BY: CHANDREGOWDA, VIRRAM



07/07/04
90.81'
B = < 0.0010
T = < 0.0010
E = < 0.0010
X = < 0.0030

Exhibit B

Table 1 – Soil Analytical Results
Table 2 – Groundwater Analytical
Results

Table 1
Soil BTEX and MTBE Analytical Results
Former BP Service Station No. 18895
102 West Northwest Highway
Arlington Heights, Cook County, Illinois

Soil Component To Groundwater Ingestion	Class I		0.03	12	13	150	0.32
	Class II*		0.17	29	19	150	0.32
Ingestion Remediation Objectives	Residential		12	16,000	7,800	160,000	780
	Commercial		100	410,000	200,000	1,000,000	20,000
Inhalation Remediation Objectives	Residential		0.8	650	400	320	8,800
	Commercial		1.6	650	400	320	8,800
Construction Worker Remediation Objectives	Ingestion		2,300	410,000	20,000	410,000	2,000
	Inhalation		2.2	42	58	5.6	140
Sample ID	Date	Depth (Feet)	Benzene (mg/kg)	Toluene (mg/kg)	Ethylbenzene (mg/kg)	Total Xylenes (mg/kg)	MTBE (mg/kg)
SB-1	01/28/02	8-10	< 0.0059	< 0.0059	< 0.0059	< 0.0180	-
SB-2	01/28/02	2-4	0.0270	< 0.0064	< 0.0064	< 0.0190	-
SB-3	01/28/02	8-10	5.6	< 1.2000	6.4000	< 3.5000	-
SB-4	01/28/02	4-6	2.9	< 1.2000	18	17.0000	-
SB-5	01/28/02	8-10	< 0.0062	< 0.0062	< 0.0062	< 0.0180	-
MW-1	05/21/03	0-2	< 0.0610	< 0.0610	< 0.0610	< 0.1800	-
MW-2	05/21/03	4-5	< 0.0059	< 0.0059	< 0.0059	< 0.0180	-
MW-3	05/21/03	2-4	0.0120	< 0.0066	< 0.0066	0.0250	-
SB-6	05/21/03	2-4	0.47	0.1100	1.7000	1.0000	-
MW-5	11/11/03	2-4	< 0.0060	< 0.0060	< 0.0060	< 0.0180	-
SB-7	11/11/03	2-4	< 0.0061	< 0.0061	< 0.0061	< 0.0180	-
SB-8	11/11/03	2-4	< 0.0059	0.0097	< 0.0059	< 0.0180	-
SB-9	11/11/03	2-4	< 0.0061	< 0.0061	< 0.0061	< 0.0180	-
SB-10	11/11/03	2-4	< 0.0060	< 0.0060	< 0.0060	< 0.0180	-
SB-3R	07/20/17	4-6	0.268	<0.239	8.83	<0.479	<0.239
SB-4R	07/20/17	2-4	1.35	0.455	5.35	2.73	<0.1
SB-6R	07/20/17	1-3	0.186	0.0257	0.336	0.126	<0.005

Notes:

Bold = One or more remediation objective exceeded

Table 2
Groundwater BTEX and MTBE Analytical Results
Former BP Service Station No. 18895
102 West Northwest Highway
Arlington Heights, Cook County, Illinois

Class I	Groundwater Ingestion	0.005	1	0.7	10	0.07
Class II	Exposure Route	0.025	2.5	1	10	0.07
Residential	Indoor Inhalation	0.11	530	0.37	30	1,900
Industrial/Commercial	Exposure Route	0.41	530	1.4	93	6,800
Sample ID	Date	Benzene (mg/L)	Toluene (mg/L)	Ethylbenzene (mg/L)	Total Xylenes (mg/L)	MTBE (mg/L)
MW-1	06/09/03	< 0.0010	< 0.0010	< 0.0010	< 0.0030	-
	01/19/04	< 0.0010	< 0.0010	< 0.0010	< 0.0030	-
	07/07/04	< 0.0010	< 0.0010	< 0.0010	< 0.0030	-
MW-2	06/09/03	< 0.0010	< 0.0010	< 0.0010	< 0.0030	-
	01/19/04	< 0.0010	< 0.0010	< 0.0010	< 0.0030	-
	07/07/04	< 0.0010	< 0.0010	< 0.0010	< 0.0030	-
MW-3	06/09/03	< 0.0010	< 0.0010	< 0.0010	< 0.0030	-
	01/19/04	< 0.0010	< 0.0010	< 0.0010	< 0.0030	-
	07/07/04	< 0.0010	< 0.0010	< 0.0010	< 0.0030	-
MW-4	01/19/04	0.51	0.0120	0.0410	0.0110	-
	07/07/04	1.2	0.0240	0.1000	< 0.0300	-
	7/20/2017	0.26	<0.025	<0.025	<0.05	0.0574
MW-5	01/19/04	< 0.0010	< 0.0010	< 0.0010	< 0.0030	-
	07/07/04	< 0.0010	< 0.0010	< 0.0010	< 0.0030	-
MW-6	07/07/04	< 0.0010	< 0.0010	< 0.0010	< 0.0030	-

Notes:

Bold = one or more remediation objective exceeded

Exhibit C

Figure 3 - Proposed Arlington
Heights Institutional Controls
Map

