

CITY OF COLUMBIA, ILLINOIS

ORDINANCE NO. 2894

**AN ORDINANCE TO AUTHORIZE THE CITY OF COLUMBIA, ILLINOIS,
TO ENTER INTO A HIGHWAY AUTHORITY AGREEMENT WITH
NEIGHBORHOOD SERVICE PERTAINING TO SOIL AND/OR
GROUNDWATER CONTAMINATION ON PROPERTY LOCATED AT
906 NORTH MAIN STREET IN COLUMBIA, ILLINOIS**

**Adopted by the
City Council
of the
City of Columbia, Illinois
this 6th day of September, 2011**

**Published in pamphlet form by authority
of the City Council of the City of
Columbia,
Illinois, this 6th day
Of September, 2011**

SEP 06 2011

J. Ronald Colyer
City Clerk

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AN ORDINANCE TO AUTHORIZE THE CITY OF COLUMBIA, ILLINOIS, TO ENTER INTO A HIGHWAY AUTHORITY AGREEMENT WITH NEIGHBORHOOD SERVICE PERTAINING TO SOIL AND/OR GROUNDWATER CONTAMINATION ON PROPERTY LOCATED AT 906 NORTH MAIN STREET IN COLUMBIA, ILLINOIS

WHEREAS, Neighborhood Service (the "Company") is the owner of one or more leaking underground storage tanks presently or formerly located at 906 North Main Street (the "Site") in the City of Columbia, Illinois (the "City"); and

WHEREAS, as a result of one or more releases of contaminants from said underground storage tanks, soil and/or groundwater contamination at the Site exceeds the Tier 1 residential remediation objectives of 35 Ill. Adm. Code 742; and

WHEREAS, the soil and/or groundwater contamination exceeding said Tier 1 residential remediation objectives extends or may extend into the City's right-of-way at the Site (the "Right-of-Way"); and

WHEREAS, the City and the Company desire to prevent groundwater beneath the Right-of-Way that exceeds said 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 said Tier 1 residential remediation objectives so that human health and the environment are protected during and after any access of the Right-of-Way.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

Section 1. The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

Section 2. The City Council of the City of Columbia, Illinois does hereby authorize and direct the Mayor to execute and deliver a Highway Authority Agreement in the form attached hereto, which Highway Authority Agreement is hereby approved as to form, in as many counterparts as the Mayor shall determine, and the City Clerk is hereby authorized and directed to attest the same and affix thereto the corporate seal of the City.

Section 3. This ordinance shall be in full force and effect following its passage and publication in pamphlet form, as provided by law.

Alderman Ebersohl moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Reis, and the roll call vote was as follows:

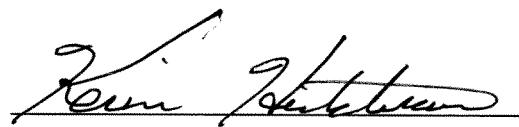
YEAS: Aldermen Ebersohl, Agne, Niemietz, Roessler, Huch, Mathews, Piazza
and Reis.

NAYS: None.

ABSENT: None.

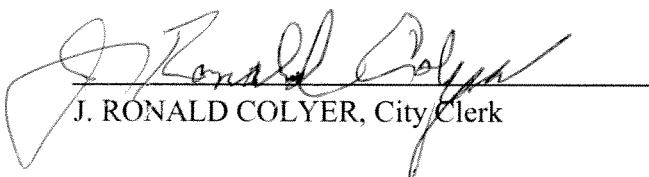
ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 6th day of September, 2011.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



J. RONALD COLYER, City Clerk

(SEAL)

CERTIFICATE OF PUBLICATION

I, J. Ronald Colyer, certify that I am the duly elected and acting City Clerk of the City of Columbia, Illinois.

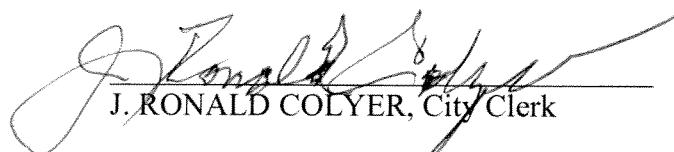
I further certify that on the 6th day of September 2011, the Corporate Authorities of the City of Columbia, Illinois, passed and approved Ordinance No. 2894 entitled:

"AN ORDINANCE TO AUTHORIZE THE CITY OF COLUMBIA, ILLINOIS, TO ENTER INTO A HIGHWAY AUTHORITY AGREEMENT WITH NEIGHBORHOOD SERVICE PERTAINING TO SOIL AND/OR GROUNDWATER CONTAMINATION ON PROPERTY LOCATED AT 906 NORTH MAIN STREET IN COLUMBIA, ILLINOIS"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2894, including the ordinance and a cover sheet thereof, was prepared, and a copy of such ordinance was posted in the Columbia City Hall, commencing on September 7, 2011 and continuing for at least ten (10) days thereafter. Copies of such ordinance were also made available for public inspection upon request in the office of the City Clerk.

DATED at Columbia, Illinois this 6th day of September, 2011.



J. RONALD COLYER, City Clerk

(SEAL)

CERTIFICATE OF TRUE COPY

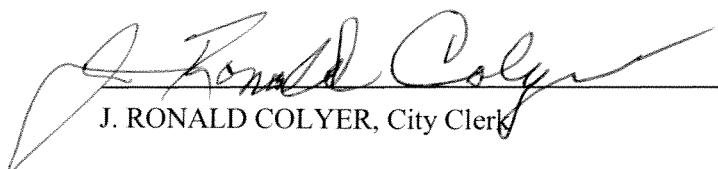
I, J. Ronald Colyer, hereby certify that I am the duly elected and acting City Clerk of the City of Columbia, Illinois, and as such I am the keeper of the books, records, files and corporate seal of said City.

I do further certify that Ordinance No. 2894, entitled:

"AN ORDINANCE TO AUTHORIZE THE CITY OF COLUMBIA, ILLINOIS, TO ENTER INTO A HIGHWAY AUTHORITY AGREEMENT WITH NEIGHBORHOOD SERVICE PERTAINING TO SOIL AND/OR GROUNDWATER CONTAMINATION ON PROPERTY LOCATED AT 906 NORTH MAIN STREET IN COLUMBIA, ILLINOIS"

to which this certificate is attached, is a true, perfect, complete and correct copy of said ordinance as adopted at a regular meeting of the Columbia, Illinois City Council held on the 6TH day of September, 2011.

IN WITNESS WHEREOF, I have made and delivered this certificate for the uses and purposes hereinabove set forth this 6th day of September, 2011.



J. RONALD COLYER, City Clerk

(SEAL)

HIGHWAY AUTHORITY AGREEMENT

This Agreement is entered into this _____ day of _____, 2010 pursuant to 35 Ill. Adm. Code 742.1020 by and between the (1) NEIGHBORHOOD SERVICE ("Owner/Operator") and (2) the CITY OF COLUMBIA, Illinois, an Illinois body politic and corporate, acting by and through its Chair and City Council, hereinafter referred to as the City ("Highway Authority"), collectively known as the ("Parties").

WHEREAS, NEIGHBORHOOD SERVICE is the owner or operator of one or more leaking underground storage tanks presently or formerly located at 906 North Main Street ("the Site");

WHEREAS, as a result of one or more releases of contaminants from the above referenced underground storage tanks ("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 ("the Agency") has assigned incident number(s) 980749 to the Release(s).
3. Attached as Exhibit A is 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).
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. 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 to 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.

1. This agreement shall be referenced in the Agency's no further remediation determination issued for the Release(s).
2. 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 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.

3. 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.
4. 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.
5. This agreement shall be null and void if a court of competent jurisdiction strikes down any part or provision of the agreement.
6. 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.
7. 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, Illinois 62974-9276

Owner/Operator

Neighborhood Service

Attn: Norman D. Newton

P.O. Box 795

Columbia, Illinois 62236

Highway Authority

Columbia City Hall

208 South Rapp Avenue

P.O. Box 467

Columbia, Illinois 62236-0467

Phone: (618) 281-7144

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

NEIGHBORHOOD SERVICE

By: _____

Printed Name: _____

Title: _____

Date: _____

CITY OF COLUMBIA

By: _____

Kevin Hutchinson
Mayor
City of Columbia

Date: _____

EXHIBIT A
SITE MAPS

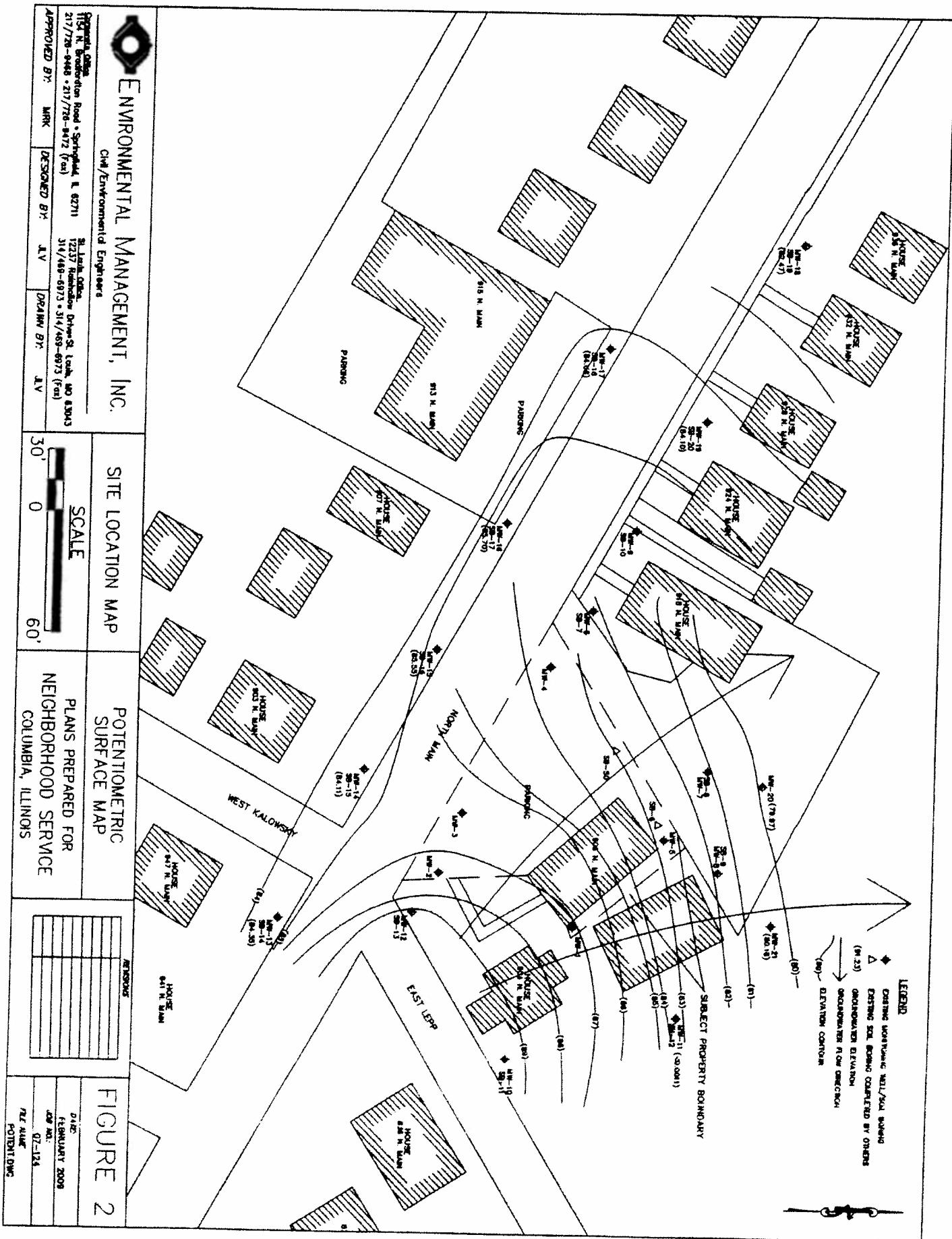


EXHIBIT B
*SOIL SAMPLING ANALYTICAL
RESULTS*

TABLE 1
SOIL SAMPLING ANALYTICAL RESULTS
NEIGHBORHOOD SERVICE
COLUMBIA, ILLINOIS

SAMPLE DATE	OBJECTIVE	SB-13, 12'	SB-14, 13'	SB-15, 13'	SB-16, 12'	SB-17, 12'	SB-18, 12'	SB-19, 14'	SB-20, 14'
10/09/07	10/09/07	10/10/07	10/10/07	10/10/07	10/10/07	10/10/07	10/10/07	10/10/07	10/10/07
BTEx									
Benzene	.03	<0.00404	<0.0035	<0.0105	<0.00384	<0.00351	<0.00385	<0.00388	<0.00366
Ethylbenzene	13	0.00571	<0.0035	<0.0105	<0.00384	<0.00351	<0.00385	<0.00388	<0.00366
Toluene	12	0.00407	<0.0035	<0.0105	<0.00384	<0.00351	<0.00385	<0.00388	<0.00366
Total Xylenes	150	0.0277	<0.0105	<0.0316	<0.0115	<0.0105	<0.0116	<0.0116	<0.0110
PNA's									
Acenaphthene	570	<0.963	<0.969	<1.010	<1.040	<1.040	<1.060	<1.030	<1.010
Acenaphthylene	15	<0.529	<0.533	<0.557	<0.574	<0.574	<0.586	<0.568	<0.556
Anthracene	12,000	<0.529	<0.533	<0.557	<0.574	<0.574	<0.586	<0.568	<0.556
Benzo (a) anthracene	.9	<0.00699	<0.00703	<0.00735	<0.00757	<0.00757	<0.00771	<0.00748	<0.00733
Benzo (a) pyrene	.09	<0.0121	<0.0121	<0.0127	<0.0130	<0.0130	0.0198	<0.0129	0.0321
Benzo (b) fluoranthene	.9	<0.00883	<0.00889	<0.0093	<0.00938	<0.00938	<0.00958	0.0241	<0.00946
Benzo (g,h,i) perylene	2,300	<0.041	<0.0413	<0.0431	<0.0444	<0.0444	<0.0452	<0.0439	<0.0429
Benzo (k) fluoranthene	9	<0.00883	<0.00889	<0.0093	<0.00938	<0.00938	0.0131	<0.00946	0.0168
Chrysene	88	<0.0803	<0.0808	<0.0845	<0.087	<0.087	<0.0886	<0.086	<0.0842
Dibenzo (a,h) anthracene	.09	<0.0161	<0.0162	<0.0169	<0.0174	<0.0174	<0.0177	<0.0172	<0.0168
Fluoranthene	3,100	<0.529	<0.553	<0.557	<0.574	<0.574	<0.586	<0.568	<0.556
Fluorene	560	<0.112	<0.133	<0.118	<0.122	<0.122	<0.124	<0.120	<0.118
Indeno (1,2,3-cd) pyrene	.9	<0.0232	<0.0235	<0.0245	<0.0252	<0.0252	<0.0257	<0.0249	0.0365
Naphthalene	84	<0.529	0.533	<0.557	<0.574	<0.574	<0.586	<0.568	<0.556
Phenanthrene	140	<0.529	<0.533	<0.557	<0.574	<0.574	<0.586	<0.568	<0.556
Pyrene	2,300	<0.145	<0.145	<0.152	<0.156	<0.156	<0.160	<0.154	<0.152
Units	mg/Kg	mg/Kg	mg/Kg	mg/Kg	mg/Kg	mg/Kg	mg/Kg	mg/Kg	mg/Kg

Notes:

BTEx, MTBE & PNAs were analyzed via SW-846 Method 5035/8260 and 8270 respectively
Bold cells represent concentrations detected above the ^aPractical Quantitation Limits (PQLs).

Highlighted values represent concentrations above Tier 1 SROs.
The objectives cited above were obtained from 35 IAC Section 742; TABLE A: Tier 1 Soil Remediation Objectives (SROs) for Residential Properties (Class 1 Groundwater), amended August 15, 2001.

TABLE I
EARLY ACTION SOIL SAMPLING ANALYTICAL RESULTS
INFINITE GAS STATION
MACOMB, ILLINOIS

SAMPLE DATE	OBJECTIVE	F-1	F-2	F-3	F-4	F-5	F-6
BTEX		3/13/07	3/13/07	3/13/07	3/13/07	3/13/07	3-13-07
Benzene	.03	0.923	0.389	0.642	0.0231	0.0190	1.910
Ethylbenzene	13	8.380	1.080	.0830	0.0142	0.0104	13.700
Toluene	12	13.860	2.010	.0080	0.0102	0.0072	26.700
Total Xylenes	150	43.400	5.280	0.303	0.0409	0.0269	71.100
MTBE	.320	<0.0598	<128	<.0024	<.0028	<.0033	<117
PNAs							
Acenaphthene	.570	<0.0570	<0.0575	<0.0578	<0.0586	<0.0581	<0.0571
Acenaphthylene	15	<0.0570	<0.0575	<0.0578	<0.0586	<0.0581	<0.0571
Anthracene	12,000	<0.0570	<0.0575	<0.0578	<0.0586	<0.0581	<0.0571
Benzo (a) anthracene	.9	<0.0570	<0.0575	<0.0578	<0.0586	<0.0581	<0.0571
Benzo (a) pyrene	.09	<0.0570	<0.0575	<0.0578	<0.0586	<0.0581	<0.0571
Benzo (b) fluoranthene	.9	<0.0570	<0.0575	<0.0578	<0.0586	<0.0581	<0.0571
Benzo (g,h,i) perylene	2,300	<0.0570	<0.0575	<0.0578	<0.0586	<0.0581	<0.0571
Benzo (k) fluoranthene	9	<0.0570	<0.0575	<0.0578	<0.0586	<0.0581	<0.0571
Chrysene	88	<0.0570	<0.0575	<0.0578	<0.0586	<0.0581	<0.0571
Dibenzo (a,h) anthracene	.09	<0.0634	<0.0639	<0.0643	<0.0651	<0.0646	<0.0635
Fluoranthene	3,100	<0.0570	<0.0575	<0.0578	<0.0586	<0.0581	<0.0571
Fluorene	560	<0.0887	<0.0894	<0.0900	<0.0911	<0.0904	<0.0888
Indeno (1,2,3-cd) pyrene	.9	<0.0634	<0.0639	<0.0643	<0.0651	<0.0646	<0.0635
Naphthalene	84	0.342	<0.0575	<0.0578	<0.0580	<0.0581	0.395
Phenanthrene	140	<0.0570	<0.0575	<0.0578	<0.0580	<0.0581	<0.0571
Pyrene	2,300	<0.0570	<0.0575	<0.0578	<0.0580	<0.0581	<0.0571
Units	mg/Kg	mg/Kg	mg/Kg	mg/Kg	mg/Kg	mg/Kg	mg/Kg

Notes:

BTEX, MTBE & PNAs were analyzed via SW-846 Method 5035/8260 and 8270 respectively
Bold cells represent concentrations detected above the Practical Quantitation Limits (PQLs).
Highlighted values represent concentrations above Tier 1 SROs.

The objectives cited above were obtained from 35 IAC Section 742 TABLE A, Tier 1 Soil Remediation Objectives (SROs) for Residential Properties (Class 1 Groundwater), amended August 15, 2001.

TABLE 2
SOIL ANALYTICAL RESULTS
NEIGHBORHOOD SERVICE - CHICAGO, IL, ILLINOIS

Sample ID Compound	MW-1	MW-2	MW-3	MW-4	MW-5	SB-50	SB-6	SB-7	SB-R	SB-9	SB-10	SB-11	SB-12	Cleanup Objective
Sample Date	1/6/05	9/4/01	9/5/01	9/5/01	9/5/01	1/6/05	1/6/04	1/6/05	1/6/05	1/6/05	1/6/05	1/6/05	1/6/05	0.001
Sample Depth (ft.)	15'	15'	14'	12'	14'	10'	10'	11'	7.5'	9'	11'	9.5'	12'	
Volatile Organics (8260A) mg/kg														
Benzene	0.0126	0.0307	10.8	15.6	2.4	2.19	0.0176	0.22	0.0112	0.0016	0.0014	0.0011	0.0011	0.03
Toluene	<0.0053	0.0269	77.5	36.8	<1.44	<0.140	0.0163	0.025	0.0036	<0.0056	0.0027	0.0017	0.0021	13
Ethene	1	10.6	46.3	45	29.7	<4.75	0.0062	0.0161	0.0023	<0.0058	0.0014	<0.0061	<0.0054	12
Xylenes	0.34	20.1	172	172	88.6	13.6	0.014	0.0067	0.0069	<0.0059	0.0056	0.0023	0.0041	190
Polyaromatic Hydrocarbons (8310) mg/kg														
Acenaphthene	<1.6	<0.011	<0.012	<0.012	<0.013	<1.5	<0.038	<0.038	<0.038	<0.038	<0.037	<0.037	<0.037	570
Acenaphthylene	<0.85	0.032	0.49	<0.079	<0.16	<0.84	<0.038	<0.038	<0.038	<0.038	<0.037	<0.037	<0.037	15
Anthracene	<0.85	<0.011	0.014	<0.012	<0.013	<0.84	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01	<0.01	12,000
1,3-Diazolaanthracene	<0.012	<0.009	<0.012	<0.010	<0.01	<0.011	<0.013	<0.013	<0.013	<0.013	<0.013	<0.013	<0.013	0.9
Benzol[1,2,3]phenylene	<0.019	<0.011	<0.010	<0.012	<0.013	<0.019	<0.01	<0.01	<0.01	<0.013	<0.013	<0.013	<0.013	0.09
Benzol[b]fluoranthene	<0.014	<0.011	<0.012	<0.012	<0.013	<0.014	<0.013	<0.013	<0.013	<0.013	<0.013	<0.013	<0.013	0.9
Benzol[ghi]perylene	<0.066	<0.011	<0.012	<0.012	<0.013	<0.065	<0.012	<0.013	<0.013	<0.013	<0.013	<0.013	<0.013	2,300
Terphenylanthrene	<0.014	<0.011	<0.012	<0.012	<0.013	<0.014	<0.013	<0.013	<0.013	<0.013	<0.013	<0.013	<0.013	9
C. Mysene	<0.013	<0.011	<0.012	<0.012	<0.013	<0.13	<0.01	<0.013	<0.013	<0.013	<0.013	<0.013	<0.013	88
1,4-phenzoquinodimethane	<0.026	<0.011	<0.012	<0.012	<0.013	<0.025	<0.011	<0.013	<0.013	<0.013	<0.013	<0.013	<0.013	0.09
1,4-naphthoquinone	<0.085	<0.011	<0.012	<0.012	<0.013	<0.84	<0.013	<0.025	<0.025	<0.025	<0.026	<0.034	<0.024	3,100
1,4-naphthene	<0.18	<0.011	0.017	<0.012	<0.013	<0.18	0.014	<0.013	<0.013	<0.013	<0.013	<0.013	<0.013	560
1,4-dimethyl-1,3-butadiene	<0.038	<0.011	<0.012	<0.012	<0.013	<0.047	<0.013	<0.013	<0.013	<0.013	<0.013	<0.013	<0.013	0.9
1,4-Phthalane	<0.85	<0.12	<0.33	<0.012	<0.013	<0.84	<0.05	<0.05	<0.05	<0.05	<0.051	<0.051	<0.051	84
Phenanthrene	<0.85	<0.011	<0.76	<0.012	<0.013	<0.84	0.081	<0.013	<0.013	<0.013	<0.013	<0.013	<0.013	140
Toluene	<0.23	<0.011	<0.012	<0.012	<0.013	0.23	<0.013	<0.013	<0.013	<0.013	<0.015	<0.015	<0.013	2,300

mg/kg = milligrams per kilogram (parts per million)

Shading = Indicates exceedence of IATU Tier I Residential Migration to Groundwater Clean-up Objective

* As contained in 35 IAC Part 742, Residential Properties

EXHIBIT C
HIGHWAY AUTHORITY AGREEMENT
AREA MAP

