



**COUNCIL QUESTIONS RELATED TO THE
CITY COUNCIL MEETING AGENDA
NOVEMBER 14, 2016; 7:00 PM**

From: Alderman Amelia Buragas
Subject: Consent Agenda Item 7.H.

On Item 7.H. this is a change order that includes \$5,000 for a PSI. Two questions: 1) the groundwater contamination is not a new issue, why wasn't the need for the PSI anticipated in the original scope of work; and 2) when we addressed this issue last year with regard to the property owner's attempts to obtain a no further remediation letter from the IEPA, council agreed to move forward so long as there was a cost-recoupment agreement for environmental remediation activities in the public right of way. What is the status on that? Can we recoup the cost of the PSI from the property owner? Also, the council memo isn't clear, but has the PSI already been performed? What were the results?

Response from: Greg Kallevig, P.E., CFM
Project Engineer, Engineering Division, Public Works

Question 1.)

The groundwater contamination is not a new issue, why wasn't the need for the PSI anticipated in the original scope of work

Answer 1.)

This project is utilizing Motor Fuel Tax (MFT) funding and therefore must follow Illinois Department of Transportation (IDOT) procedures for assessing project environmental impacts. The initial (and often only) step in the IDOT procedure is to perform a Preliminary Environmental Site Assessment (PESA). The PESA is a standard document with known reporting parameters and Farnsworth Group was able to include the PESA in their original scope of work, the PESA was completed in December of 2015. The completed PESA was sent to and reviewed by IDOT where the determination was made to require a Preliminary Site Investigation (PSI) due to the proximity to possible soil contamination from property at 1331 N. Linden Street. Since it is unknown prior to the PESA review whether a PSI will be required it is not generally included in the original scope of design work. Additionally, there would be no way to estimate an accurate scope for a PSI prior to IDOT review of the PESA since it is at the discretion of IDOT to approve the number of soil borings required and the number of parameters for which to test in the samples. The PSI is a "second phase" procedure that is negotiated when scope is known.

The PSI was completed in March of 2016 and results indicated that impacted soils are not expected to be found on the Linden Street Bridge project. Farnsworth Group has attempted to absorb the additional cost of the PSI within the design contract, but was not able to realize savings elsewhere to cover the PSI cost.

Question 2.)

When we addressed this issue last year with regard to the property owner's attempts to obtain a no further remediation letter from the IEPA, council agreed to move forward so long as there was a cost-recoupment agreement for environmental remediation activities in the public right of way. What is the status on that? Can we recoup the cost of the PSI from the property owner?

Answer 2.)

A review of the January 25, 2016 Council minutes and motion, and the Highway Authority Agreement and Groundwater Ordinance passed at same, does not seem to show inclusion of a specific provision for a cost-recoupment agreement for environmental remediation activities in the public right of way. However, cost recovery of the PSI expense can be pursued with that property owner.



REGULAR AGENDA ITEM NO. 8A

FOR COUNCIL: January 25, 2016

SUBJECT: Consideration of approving an Ordinance Prohibiting the Use of Groundwater as a Potable Water Supply and approving of a Highway Authority Agreement / Leave-in-Place Agreement at 1331 N. Linden Street (Ward 7).

RECOMMENDATION/MOTIONS:

1. That the Ground Water Ordinance be passed and the Mayor and City Clerk be authorized to execute the necessary documents.
2. That the Highway Authority Agreement be passed and the Mayor and City Clerk be authorized to execute the necessary documents.

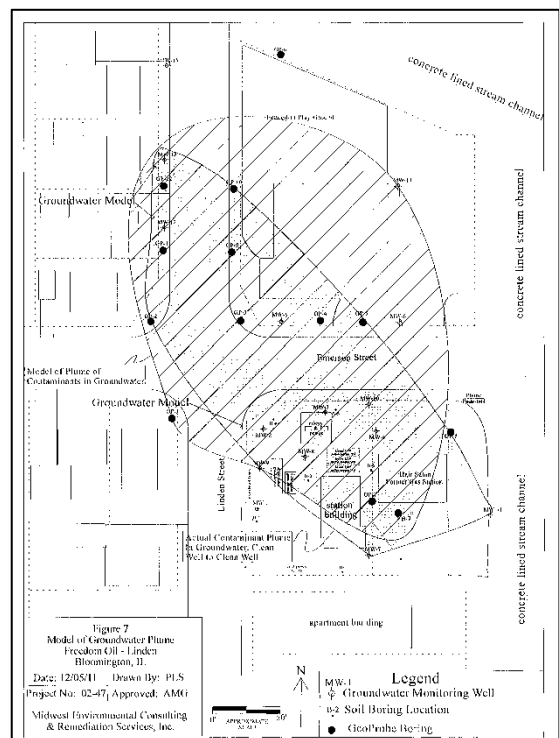
STRATEGIC PLAN LINK: Goal 2. Upgrade City Infrastructure and Facilities, and Goal 5. Great Place - Livable, Sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 2b. Quality water for the long term, and 5c. Incorporation of “Green Sustainable” concepts into City’s development and plans.

BACKGROUND: The action items regard response to ground contamination in and around Freedom Oil, 1313 N. Linden St. They were presented to the City Council on December 21, 2015, and the agenda item was held over amid questions. Staff completed further review of the situation. This included review of various materials, including the Corrective Action Plan filed by the environmental firm which investigated the case on behalf of Freedom Oil. It also included conversations with the Illinois Environmental Protection Agency (IEPA) project manager and the geologist for the investigating firm, Midwest Environmental Consulting & Remediation Services Inc.

The testing for contaminants began after Freedom detected gasoline odor in its building in 1988. According to Midwest Environmental, the cause of the odor was spillage during overfilling of fuel tanks by tanker truck operators. Nonetheless, Freedom replaced its fuel storage tanks and installed modern leak prevention and detection. Midwest Environmental developed a plume model through use of groundwater and soil testing. See the accompanying graphic. Tests showed only low levels of COCs (chemicals of concern).

The latest testing occurred in 2011, more than 20 years after the case was opened. Results prove the plume stabilized and is not growing, according to



Midwest Environmental. Given the circumstances of this case, Midwest Environmental and the IEPA assert that a “leave in place” status poses no threat to the public’s health. Neither believes it necessary to take more extreme action, such as soil removal.

There is no further economically feasible action that can be taken to clean up the groundwater. It is at a depth that poses minimal risk of exposure through excavation. However, there is still the possibility of coming into contact with the water through shallow domestic wells.

The proposed ordinance prohibits use of groundwater as potable water from various parcels, including 1313 N. Linden itself and some of its neighbors. No water wells are in use or contemplated to staff’s knowledge.

The proposed Highway Authority Agreement places the water use restriction on the City right of way along with a stipulation that the City must act to protect worker health and safety during construction work.

The proposed ordinance and the Highway Authority Agreement are required to close out the case under Tier 1 of IEPA’s Tiered Approach to Corrective Action Objectives (TACO).

The City has approved similar Groundwater Ordinances and Highway Authority Agreements for other contaminated locations in the past. The City does not allow private wells in this area. This Ordinance simply codifies that fact. Further, highway authority documents are in the substantive form required by Illinois law (see attached Administrative Code Section 742.1020).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Eric Kuhlman, IEPA Bureau of Land, and Penny Silzer, Senior Geologist, Midwest Environmental, Tremont. Some if not all of the affected property owners have been made aware of the situation by Midwest, which by permission placed some monitoring equipment on private property. All will be officially notified by Midwest Environmental upon IEPA approval of case resolution.

FINANCIAL IMPACT: N/A

Respectfully submitted for Council consideration.

Prepared by: Stephen Arney, Technician I, Public Works
Ryan Otto, PE, Assistant City Engineer

Reviewed by: Jim Karch, PE CFM, Director of Public Works

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla Murillo, Budget Manager

Legal review by: Jeffery R. Jurgens, Corporation Counsel

Recommended by:



David A. Hales
City Manager

Attachments:

- Groundwater Ordinance
- Map: Contamination areas with groundwater restriction ordinances
- Groundwater Ordinance Request
- Location Map
- Highway Authority Request
- Highway Authority Agreement
- Freedom Oil memo, dated January 8, 2016

Motion: 1. That the Ground Water Ordinance be passed and the Mayor and City Clerk be authorized to execute the necessary documents.
2. That the Highway Authority Agreement be passed and the Mayor and City Clerk be authorized to execute the necessary documents.

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Buragas				Alderman Painter			
Alderman Fruin				Alderman Sage			
Alderman Hauman				Alderman Schmidt			
Alderman Lower							
				Mayor Renner			

ORDINANCE NO. _____

**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**

WHEREAS, certain properties in the City of Bloomington, McLean County, Illinois have been used over a period of time for commercial/industrial purposes; and,

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City may exceed Class 1 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 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 Bloomington, Illinois:

Section 1: Use of groundwater as a potable water supply prohibited.

The use or attempted use of groundwater as a potable water supply by the installation or drilling of wells or by any other method, including at points of withdrawal by the City of Bloomington, is hereby prohibited for the properties identified by the following Parcel Identification Numbers, and within a portion of the Linden Street and Emmerson Street right of ways, and as shown on Exhibit A, which is attached hereto and incorporated herein by reference.

14-33-431-010	14-33-482-005
14-33-431-011	14-33-482-002
14-33-431-014	14-33-482-026
14-33-431-015	14-34-307-001
14-33-431-016	14-34-307-002
14-33-431-012	14-34-307-033
14-33-431-013	14-34-304-019
14-33-482-003	14-34-304-020

Section 2: Penalties

Any person violating the provisions of this ordinance shall be subject to a fine of not less than \$50.00 or more than \$100.00 for each violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 3: 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 4: 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 5: 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 6: Effective Date

This ordinance shall be in full force and effect from and after its passage.

PASSED this ___ day of _____, 2014.

APPROVED this ___ day of _____, 2014.

APPROVED:

Mayor

ATTEST:

City Clerk

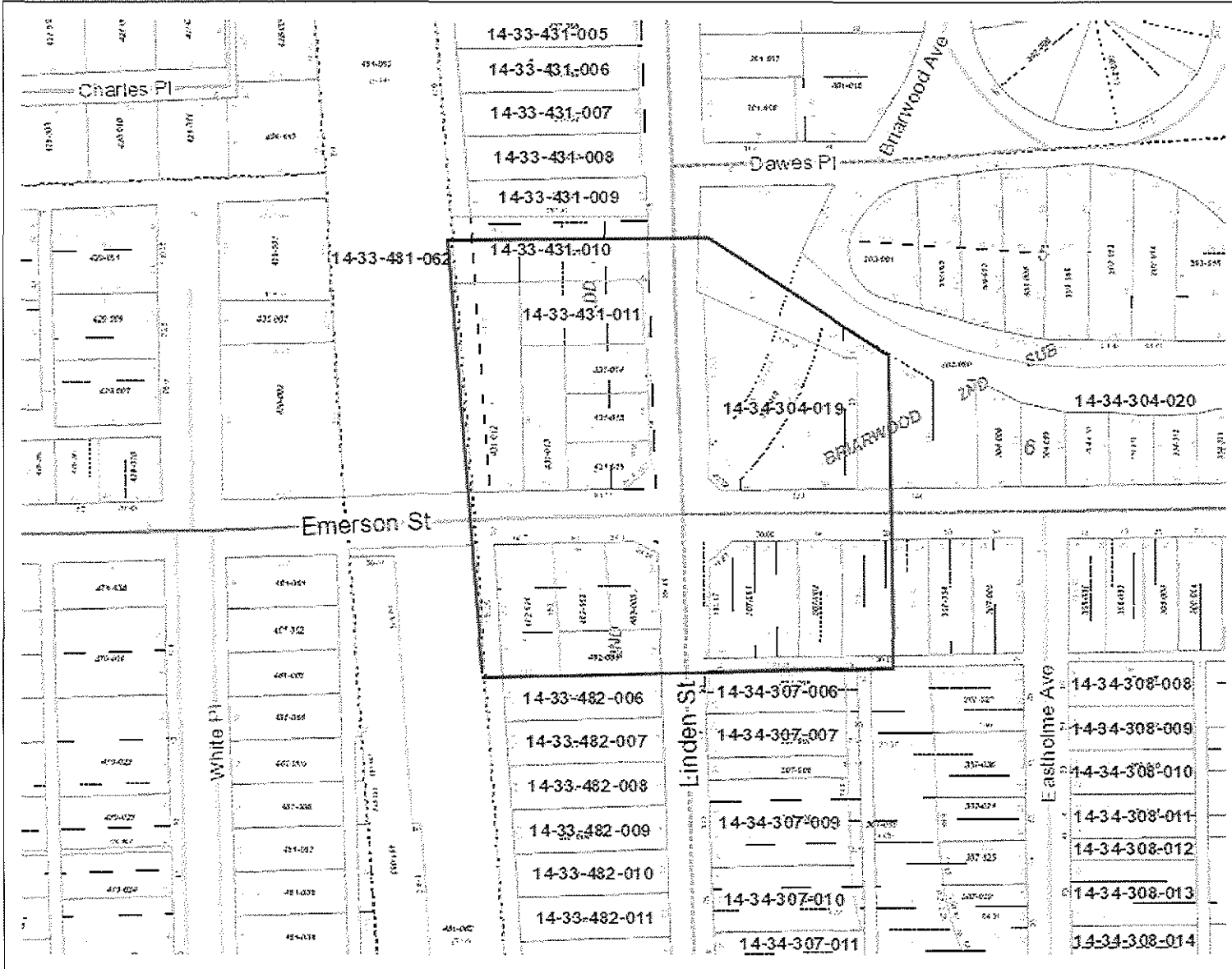
Exhibit A

DESCRIPTION OF THE PROPOSED GROUNDWATER USE RESTRICTION AREA

The proposed groundwater use restriction area is proposed for the following properties identified by the following Parcel Identification Numbers and within a portion of the North Linden Street and Emerson Street right of way, and as shown on the attached maps:

14-33-431-010
14-33-431-011
14-33-431-014
14-33-431-015
14-33-431-016
14-33-431-012
14-33-431-013
14-33-482-003
14-33-482-005
14-33-482-002
14-33-482-026
14-34-307-001
14-34-307-002
14-34-307-033
14-34-304-019
14-34-304-020

SCALED MAP SHOWING BOUNDARY OF AREA REQUIRING RESTRICTION



Legend

- Parcels
- Interstates
- US_Highways
- State_Highways
- County_Highways
- County_Rd
- City_Streets
- ALLEY
- CITY_ARTERIAL
- CITY_COLLECTOR
- CITY_STREET
- PRIVATE_STREET
- + Railroad
- County
- Major_Contours_10ft
- + Water_Elevation

NAIP_2011.sid

- Red: Band_1
- Green: Band_2
- Blue: Band_3

NAIP_2010.sid

- Red: Band_1
- Green: Band_2
- Blue: Band_3

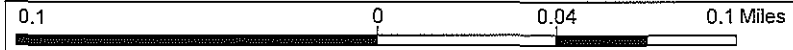
NAIP_2009.sid

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Imagery_2005

- Red: Band_1

1:2,662



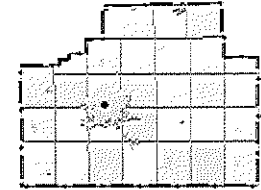
By using this Web Site the user acknowledges his/her understanding of, and agreement with, the disclaimers and copyright restrictions on this data.

Notes

Print Date: 12/5/2011 3:13:50 PM

Complete disclaimer at <http://www.McGIS.org/disclaimer>

AERIAL PHOTO SHOWING BOUNDARY OF AREA REQUIRING RESTRICTION



Legend

- Parcels
- Interstates
- US_Highways
- State_Highways
- County_Highways
- County_Rd
- City_Streets
 - ALLEY
 - CITY_ARTERIAL
 - CITY_COLLECTOR
 - CITY_STREET
 - PRIVATE_STREET
- Railroad
- County
- Major_Contours_10ft
- Minor_Contours_2ft
- + Spot_Elevation
- + Water_Elevation
- NAIP_2011.sid
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3
- NAIP_2010.sid
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3
- NAIP_2009.sid
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

1: 1,661



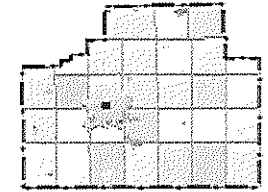
0.1 0 0.03 0.1 Miles

Print Date: 12/5/2011 3:24:37 PM

By using this Web Site the user acknowledges his/her understanding of, and agreement with, the disclaimers and copyright restrictions on this data.

Complete disclaimer at <http://www.McGIS.org/disclaimer>

Notes



Legend

- Parcels
- Interstates
- US_Highways
- State_Highways
- County_Highways
- County_Rd
- City_Streets
 - ALLEY
 - CITY_ARTERIAL
 - CITY_COLLECTOR
 - CITY_STREET
 - PRIVATE_STREET
- Railroad
- County
- Major_Contours_10ft
- Water_Elevation
- NAIP_2011.sid
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3
- NAIP_2010.sid
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3
- NAIP_2009.sid
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3
- Imagery_2005
 - Red: Band_1

1: 3,820



0.1 0 0.06 0.1 Miles

Print Date: 12/5/2011 2:55:19 PM

By using this Web Site the user acknowledges his/her understanding of, and agreement with, the disclaimers and copyright restrictions on this data.

Complete disclaimer at <http://www.McGIS.org/disclaimer>

Notes

MAP SHOWING THE GROUNDWATER MODEL

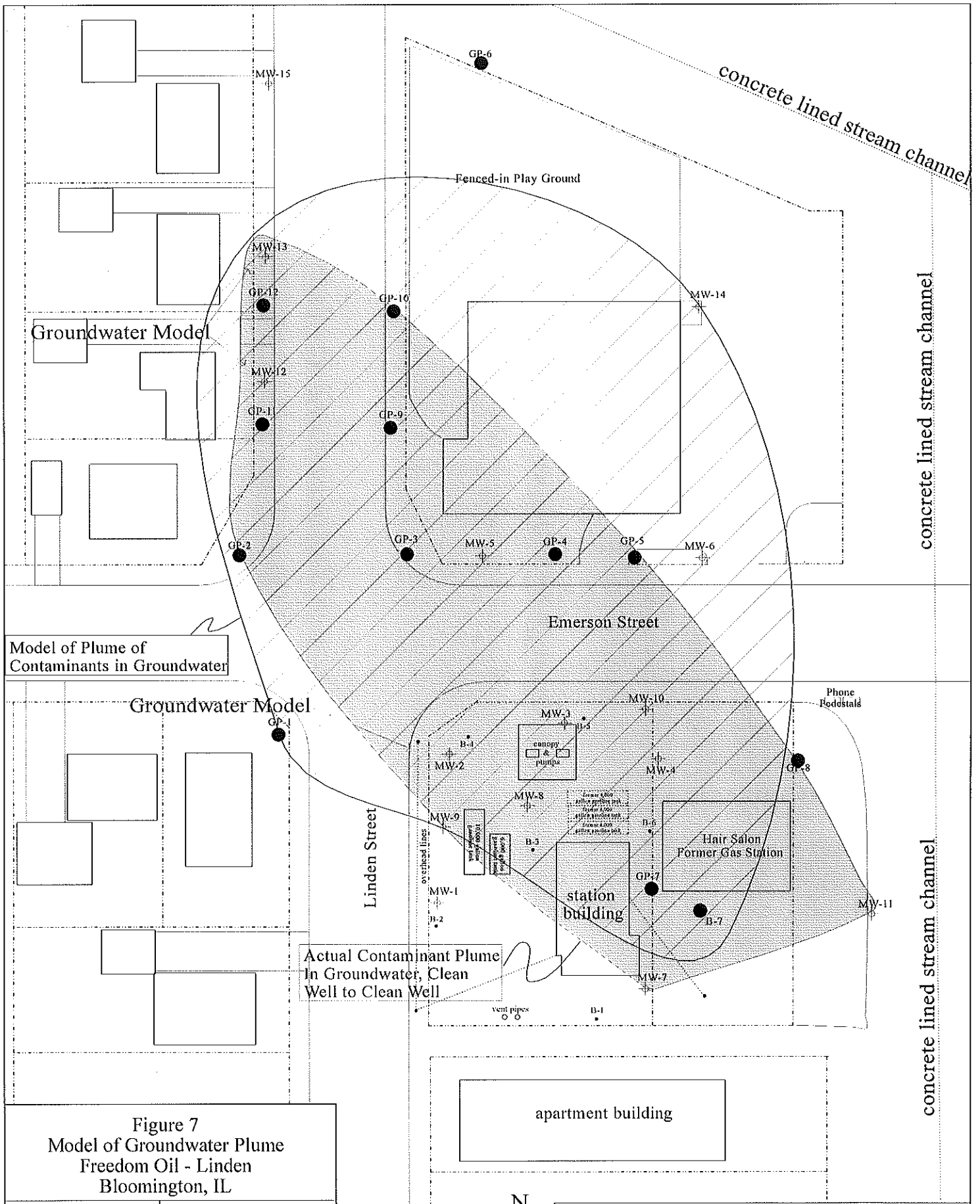


Figure 7
Model of Groundwater Plume
Freedom Oil - Linden
Bloomington, IL

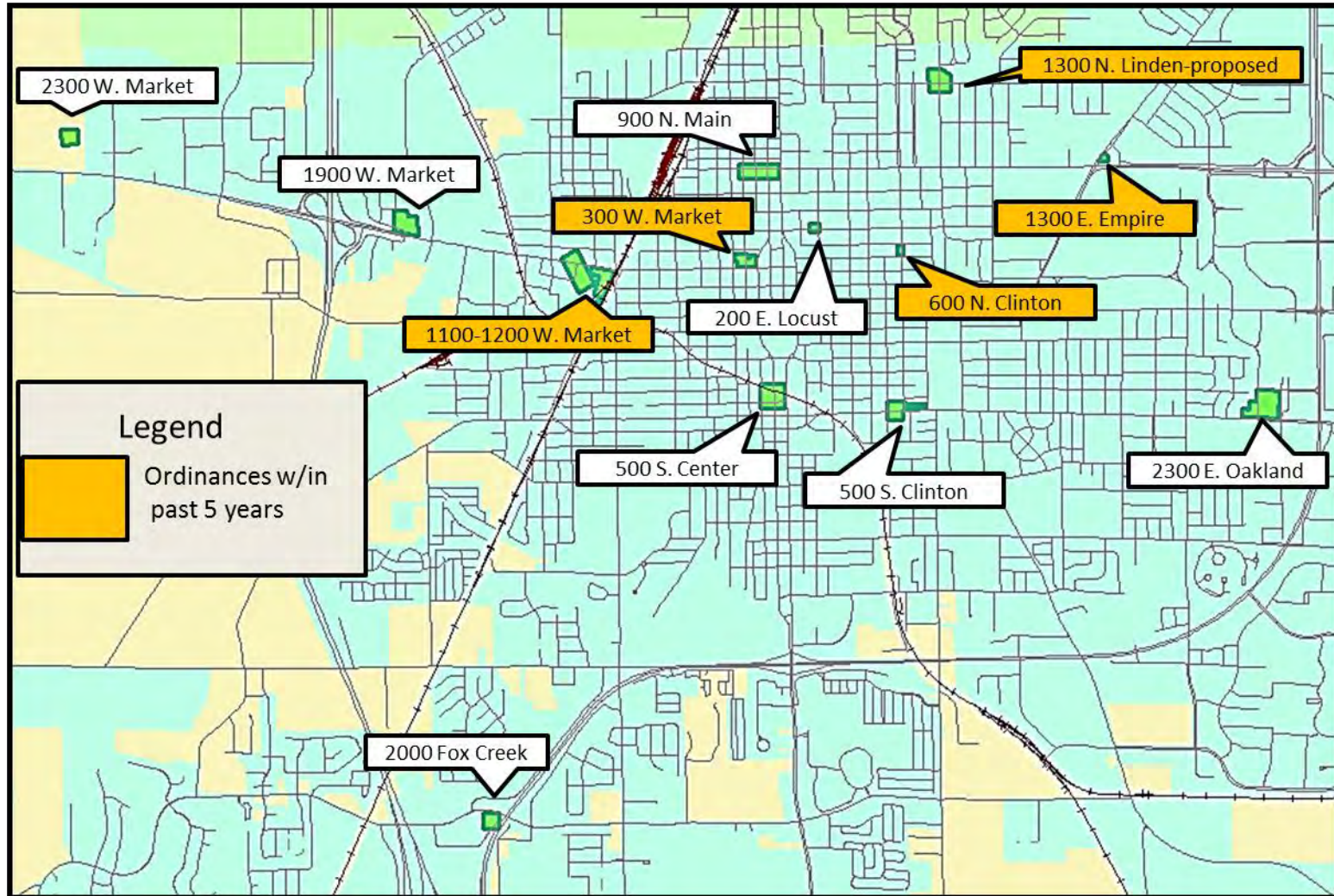
Date: 12/05/11	Drawn By: PLS
Project No: 02-47	Approved: AMG

Midwest Environmental Consulting
 & Remediation Services, Inc.



Legend	
MW-1	Groundwater Monitoring Well
B-2	Soil Boring Location
●	GeoProbe Boring

Contamination areas with groundwater restriction ordinances



Midwest Environmental Consulting & Remediation Services Inc.

22200 Illinois Route 9 • P.O. Box 614

Tremont, IL 61568-0614

Phone: (309) 925-5551 • Fax: (309) 925-5606

December 6, 2011

City of Bloomington
Engineering Department
115 E. Washington St.
PO BOX 3157
Bloomington, IL 61702-3157

RE: Request for Groundwater Use
Restriction Ordinance
Freedom Oil Company
1331 North Linden Street
Bloomington, Illinois

Dear Sirs:

On behalf of our client, Freedom Oil Company of Bloomington, Illinois, we are requesting a City Ordinance prohibiting the use of groundwater as a potable water supply for purposes of closing Illinois Emergency Management Agency incident #880916 at 1331 North Linden Street (Freedom Oil Company). The requested actions are necessary to satisfy Illinois Administration Code 742, Subpart J, which allows for the use of institutional controls when other methods of remediation are impractical or prohibitively expensive.

Groundwater Use Restriction Ordinance

A maps showing the proposed groundwater use restriction area and the approximate description of the restriction area are attached. Based on the groundwater models, in order to satisfy Illinois Administrative Code 742, Subpart J, the groundwater use restriction area needs to encompass the site and the entire area located within the groundwater model which extends 134 feet from well MW-5, to the northeast, in the down gradient direction. The groundwater model is shown in the attached Figure 7.

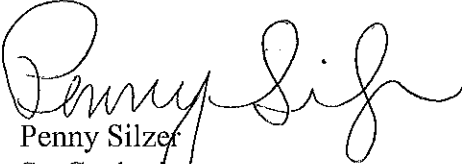
The City of Bloomington has adopted similar Groundwater Use Restriction Ordinances for other gas station sites with similar petroleum contamination situations. Two examples are attached.

Please call me at the number listed above with any questions you have or if you need additional information. Your response is greatly appreciated. Please notify me when the City takes action on this request.

Thank you.

Sincerely,

Midwest Environmental Consulting & Remediation Service, Inc.



Penny Silzer
Sr. Geologist

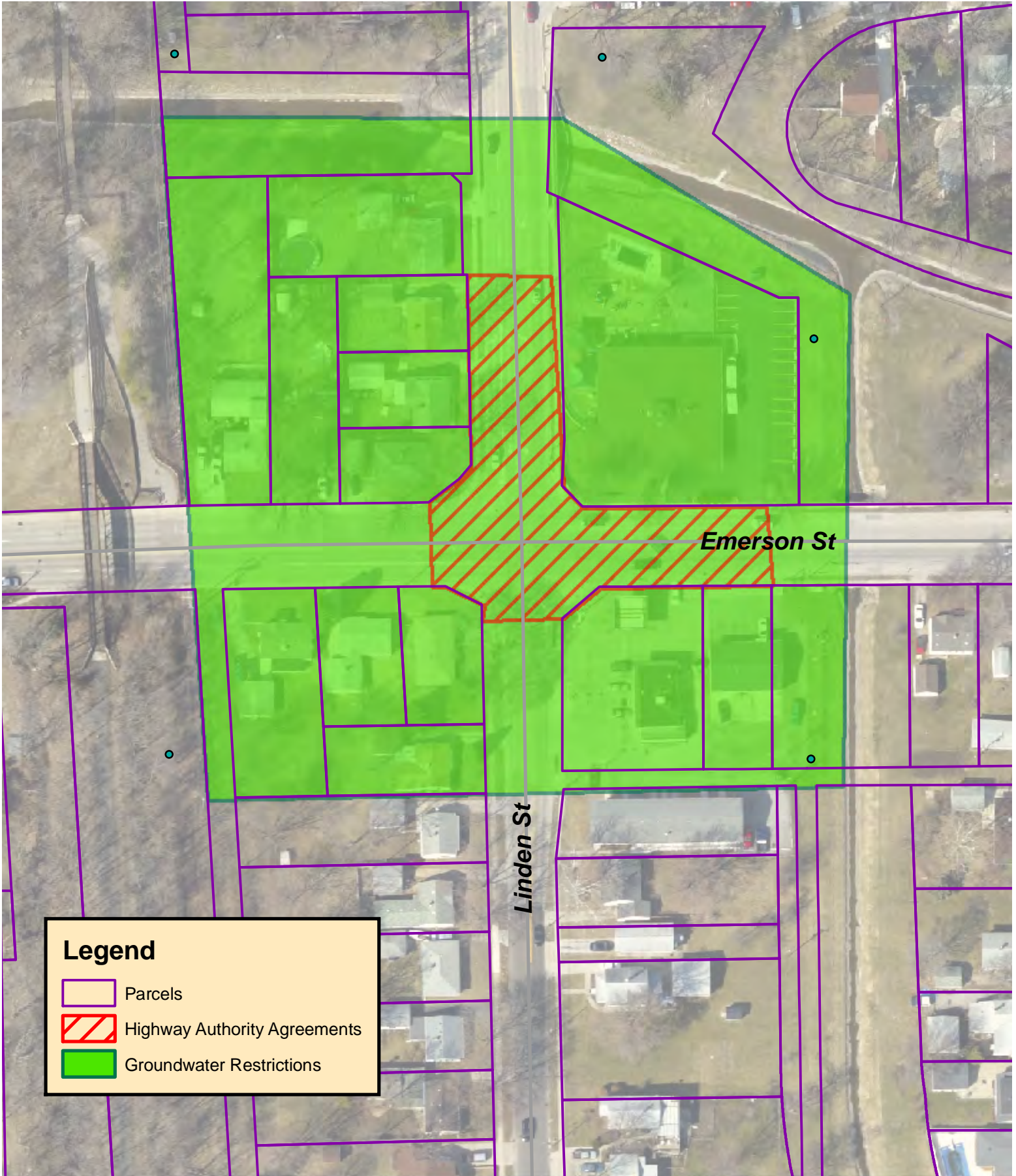
Attachments

DESCRIPTION OF THE PROPOSED GROUNDWATER USE RESTRICTION AREA



The proposed groundwater use restriction area is proposed for the following properties identified by the following Parcel Identification Numbers and within a portion of the North Linden Street and Emerson Street right of way, and as shown on the attached maps:

14-33-431-010
14-33-431-011
14-33-431-014
14-33-431-015
14-33-431-016
14-33-431-012
14-33-431-013
14-33-482-003
14-33-482-005
14-33-482-002
14-33-482-026
14-34-307-001
14-34-307-002
14-34-307-033
14-34-304-019
14-34-304-020

1331 Linden St Groundwater Ordinance Highway Authority Agreement



Legend

-  Parcels
-  Highway Authority Agreements
-  Groundwater Restrictions

Midwest Environmental Consulting & Remediation Services Inc.

22200 Illinois Route 9 • P.O. Box 614

Tremont, IL 61568-0614

Phone: (309) 925-5551 • Fax: (309) 925-5606

December 13, 2011

Kevin Kothe
Engineering Department
115 E. Washington St.
PO BOX 3157
Bloomington, IL 61702-3157

RE: Request for Highway Authority Agreement
Freedom Oil Company
1331 N Linden Street
Bloomington, IL

Dear Mr. Kothe:

On behalf of our client, Freedom Oil Company of Bloomington, Illinois, we are requesting a Highway Authority Agreement (HAA) for purpose of closing Illinois Emergency Management Agency incident #880916 at 1331 North Linden Street in Bloomington, Illinois. Subsurface investigations completed to date indicate that petroleum hydrocarbon contamination above Illinois Environmental Protection Agency (IEPA) cleanup objectives (CUOs) may exist in soil in the public right-of-way along Emerson and North Linden Streets adjacent to the subject gas station. The requested actions are necessary to satisfy Illinois Administration Code 742, Subpart J, which allows for the use of institutional controls when other methods of remediation are impractical or prohibitively expensive.

Between March 2004 and February 2011, a total of 19 total migratory pathway borings (B-1 through B-7 and GP-1 through GP-12) and 15 groundwater monitoring wells (MW-1 through MW-15) were completed at the site. The extent of soil and groundwater contamination has been defined. The future extent of contaminants in groundwater was determined by calculation of TACO groundwater models. Based on the models, the concentration of benzene in groundwater will meet the TIER 1 CUOs at a distance of 134 feet from monitoring well MW-5. Both the actual plume and the modeled plume are included in Figure 7 presented in Exhibit A.

Maps and tables showing the extent of contamination, the concentrations of contaminants of concern and the proposed HAA agreement area are included in Exhibits A, B and C, attached.

If you need additional information regarding our request, please contact me at (309) 925-5551. Please notify us when the City takes action on the aforementioned matters and if you need additional information. Thank you.

Sincerely,

Midwest Environmental Consulting & Remediation Service, Inc.

Allan M Green
President

HIGHWAY AUTHORITY AGREEMENT

This Agreement is entered into this ___ day of _____, 201_ pursuant to 35 Ill. Adm. Code 742.1020 by and between the (1) Freedom Oil Company (“Owner/Operator”) and (2) City of Bloomington (“Highway Authority”), collectively known as the “Parties”.

WHEREAS, Freedom Oil Company are the owners or operator of one more leaking underground storage tanks presently or formerly located at 1331 North Linden Street, Bloomington, Illinois (“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. Admin. 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 is conducting corrective action in response to the Release;

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 referenced as if fully set forth herein.
2. The Illinois Emergency Management Agency has assigned incident number 880916 to the Release.
3. Attached as Exhibit A is a scaled map prepared by Freedom Oil Company, that shows the Site and surrounding area and delineates the current and estimated future extent of soil and groundwater contamination above the Tier 1 residential remediation objectives as a result of the Release.
4. Attached as Exhibit B are tables prepared by Freedom Oil Company that lists each contaminant of concern that exceeds its Tier 1 residential remediation objective, its Tier 1 residential remediation objective and its concentrations with the zone where Tier 1 residential remediation objectives are exceeded. The

locations of the concentrations listed in Exhibit B are identified on the map in Exhibit A.

5. Attached as Exhibit C is a scaled map prepared by Freedom Oil Company showing the areas 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. Admin. 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. The agreement shall be referenced in the Agency's no further remediation determination issued for the Release.
2. The Agency shall be notified of any transfer of jurisdiction over Right-of-Way at least 30 days prior to the date the transfer takes affect. 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 as 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 of the Release. 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. The 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
PO Box 19276
Springfield, IL 62974-9276

Freedom Oil Company
814 West Chestnut
Bloomington, IL 61701

City of Bloomington
Engineering Department
115 E. Washington St.
PO BOX 3157
Bloomington, IL 61702-3157

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

City of Bloomington

BY: _____

DATE: _____

ITS: _____

ATTEST: _____

IN WITNESS WHEREOF, Owner has caused this Agreement to be signed by its authorized representative.

Freedom Oil Company

BY: _____

DATE: _____

ITS: _____

Exhibit A

Extent of Contamination

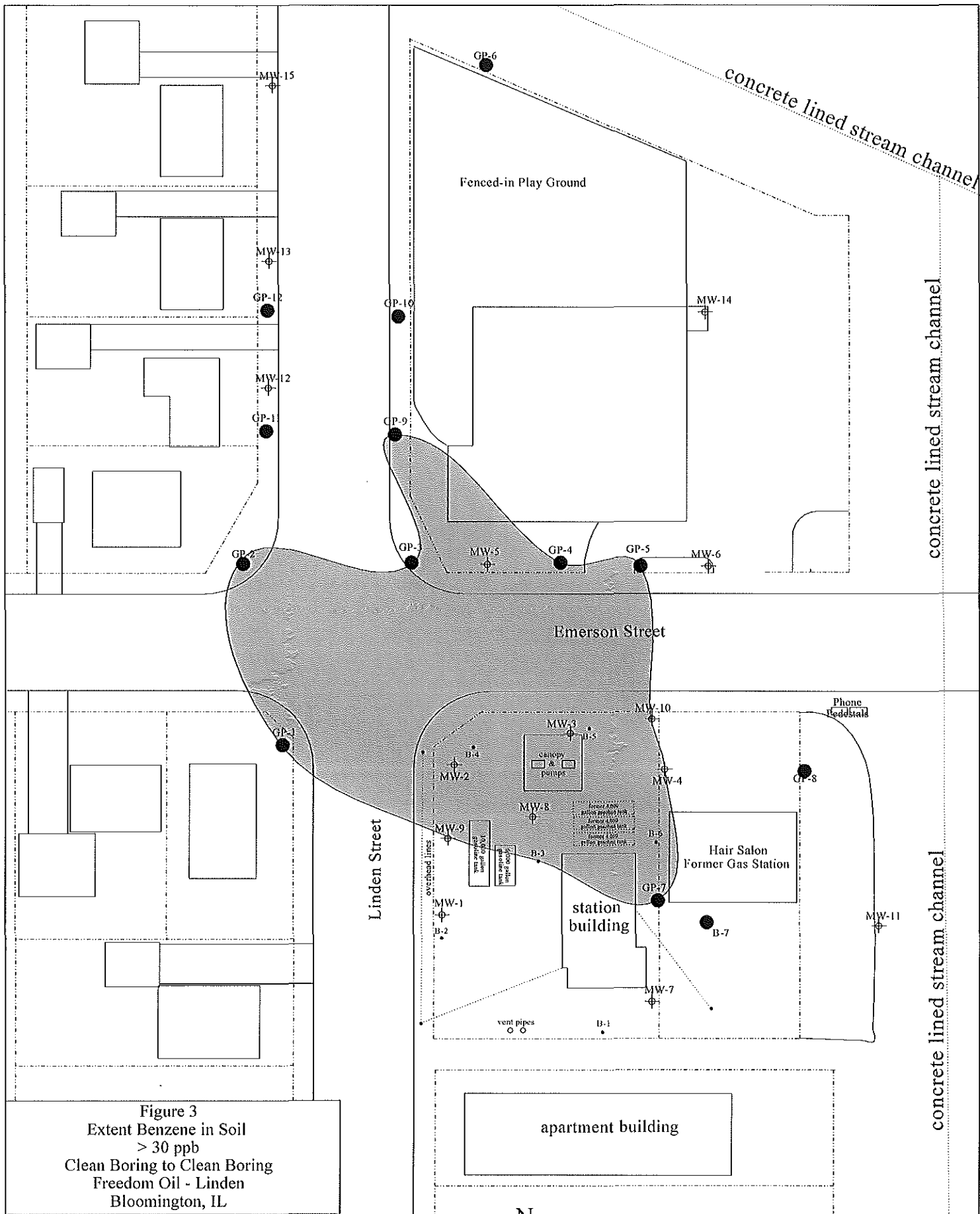


Figure 3
 Extent Benzene in Soil
 > 30 ppb
 Clean Boring to Clean Boring
 Freedom Oil - Linden
 Bloomington, IL

Date: 03/18/11 Drawn By: PLS
 Project No: 02-47 Approved: AMG

Midwest Environmental Consulting
 & Remediation Services, Inc.



- Legend**
- MW-1 Groundwater Monitoring Well
 - B-2 Soil Boring Location
 - GeoProbe Boring

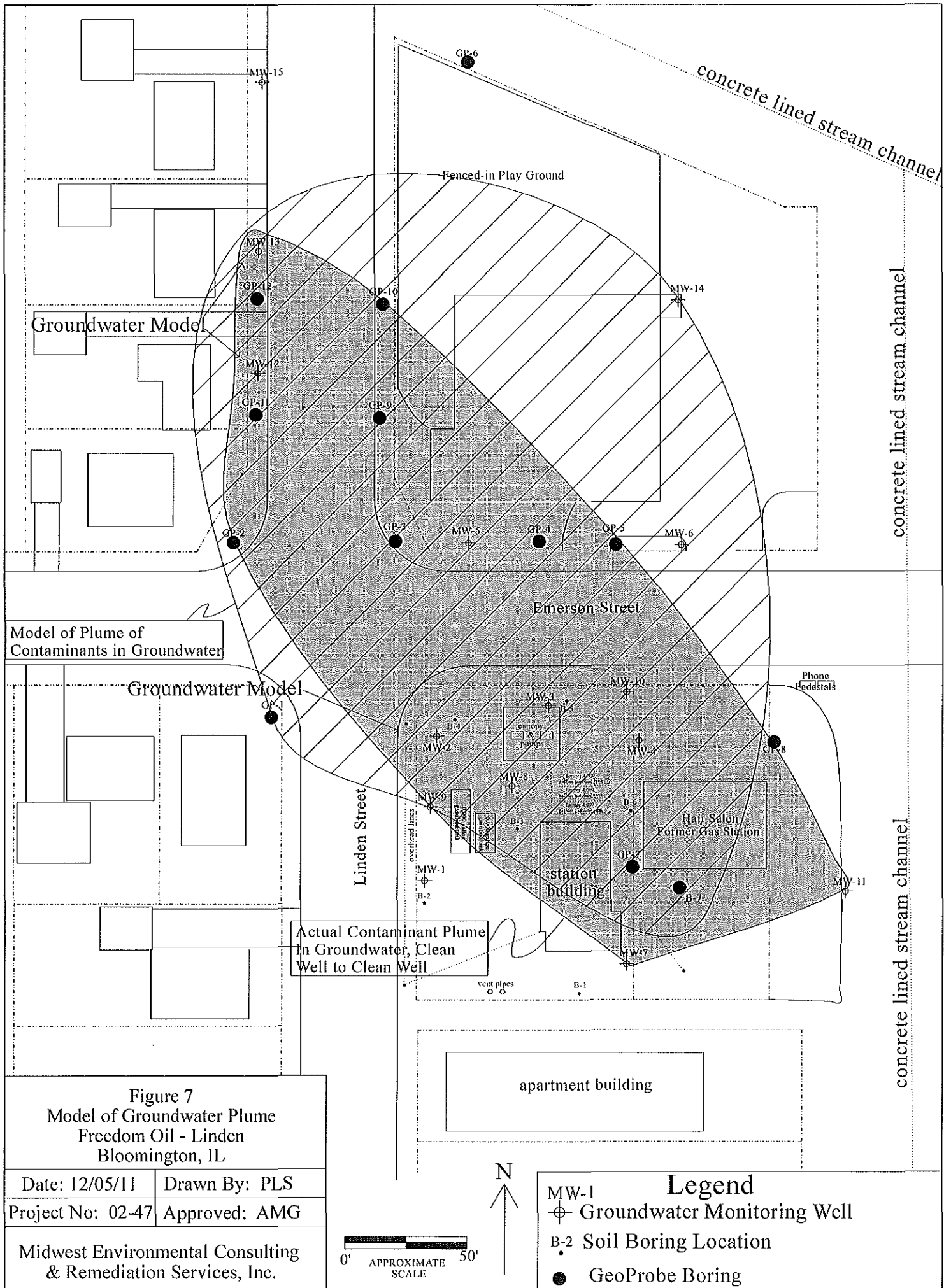
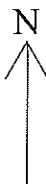


Figure 7
 Model of Groundwater Plume
 Freedom Oil - Linden
 Bloomington, IL

Date: 12/05/11 Drawn By: PLS
 Project No: 02-47 Approved: AMG

Midwest Environmental Consulting
 & Remediation Services, Inc.



- Legend**
- MW-1 Groundwater Monitoring Well
 - B-2 Soil Boring Location
 - GeoProbe Boring

Exhibit B

Analytical Data Tables

TABLE 1. SOIL ANALYTICAL RESULTS

Freedom Oil Company

1331 North Linden

Bloomington, IL

SAMPLE ID	Analytes => (TIER 1 CUO)=>	Benzene (30)	Toluene (12,000)	Ethylbenzene (13,000)	Total Xylenes (5,600)	TOTAL BTEX
B-1, 12-14'	03/10/04	18.1	100	54.4	187	359.5
B-1, 20-22'	03/10/04	17.4	78.6	52.9	200	348.9
B-2, 4-6'	03/10/04	16.7	110	45.8	185	357.5
B-2, 16-18'	03/10/04	3.3	8.0	5.0	15.6	31.9
B-3, 8-10'	03/10/04	9.8	35.5	22.3	49.1	116.7
B-3, 16-18'	03/10/04	3.9	24.6	15.9	28.3	72.7
B-4, 8-10'	03/10/04	26.8	149	2,290	4,690	7,155.8
B-4, 18-20'	03/10/04	33.3	161	130	410	734.3
B-5, 8-10'	03/10/04	1,050	17,700	21,300	92,000	132,050
B-5, 18-20'	03/10/04	19.2	217	143	793	1,172.2
B-6, 8-10'	03/10/04	42.0	367	17,100	40,300	57,809
B-6, 18-20'	03/10/04	3.7	48.4	158	498	708.1
B-7, 8-9'	05/18/10	<4.68	<4.68	<4.68	<14.0	<28
MW-1, 8-10'	09/24/04	<2.3	3.0	<2.3	<5.7	<13.3
MW-1, 16-18'	09/24/04	8.7	16.6	7.1	30.6	63.0
MW-2, 10-12'	09/24/04	896	120	175	308	1,499
MW-2, 14-16'	09/24/04	7.4	24.8	5.9	25.4	63.5
MW-3, 10-12'	09/24/04	1,850	29,500	11,900	52,000	95,250
MW-3, 18-20'	09/24/04	22.7	56.9	13.1	59.1	151.8
MW-4, 8-10'	09/24/04	4.3	<2.3	7,040	30,600	<37,646.6
MW-4, 18-20'	09/24/04	26.2	47	28.5	113	214.7
MW-5, 8-10'	09/24/04	21,700	<11,500	51,000	210,000	<294,200
MW-5, 16-18'	09/24/04	20.4	21.9	22.7	76.2	141.2
MW-6, 8-10'	09/24/04	6.5	8.0	4.3	9.6	28.4
MW-6, 14-16'	09/24/04	3.2	5.1	5.8	17.3	31.4
MW-7, 8-10'	05/18/10	<4.79	<4.79	<4.79	<14.4	<29
GP-1, 8-9'	03/23/10	<4.23	<4.23	<4.23	<12.7	<26
GP-2, 8-9'	03/23/10	<4.89	<4.89	<4.89	<14.7	<29
GP-3, 9-10'	03/23/10	<4.84	<4.84	<4.84	<14.5	<29
GP-4, 7-8'	03/23/10	<4.57	<4.57	<4.57	<13.7	<27
GP-5, 7-8'	03/23/10	<4.89	<4.89	<4.89	<14.7	<29
GP-6, 11-12'	03/23/10	<4.32	5.39	<4.32	<13.0	<27
GP-7, 8-9'	03/23/10	<5.24	<5.24	<5.24	<15.7	<32
GP-8, 9-10'	03/23/10	12.2	20.7	5.21	<13.4	<53
GP-9, 9-10'	05/18/10	<4.62	<4.62	<4.62	<13.9	<28
GP-10, 10-11'	05/18/10	<4.61	<4.61	4.95	<13.8	<28
GP-11, 10-11'	05/18/10	4.94	8.27	<4.32	<13.0	<31
GP-12, 10-11'	05/18/10	<4.57	<4.57	<4.57	<13.7	<27
MW-8, 6-8'	02/24/11	<4.29	<4.29	<4.29	<12.9	<26
MW-9, 6-8'	02/24/11	<3.79	<3.79	<3.79	<11.4	<23
MW-10, 6-8'	02/24/11	<4.45	<4.45	<4.45	<13.3	<27
MW-11, 8-10'	02/24/11	<4.42	<4.42	<4.42	<13.3	<27
MW-14, 6-8'	02/25/11	<5.19	<5.19	<5.19	<15.6	<31
MW-15, 10-11'	02/25/11	<4.83	7.39	<4.83	<14.5	<32

ALL RESULTS REPORTED IN PARTS PER BILLION (ug/kg, ug/L)

XX = Tier 1 soil remediation objective not listed in TACO tables.

NA = not analyzed

TACO Parameters

Sample	Subsurface	Bulk Density	Moisture	Particle Density	Soil Porosity	Fraction Organic Carbon	pH
Lean Clay		1.86 gm/cm ³	21.9%	2.61	41.5%	1.24%	8.28

**Table 2: Groundwater Analytical Data
Freedom Oil
1331 North Linden
Bloomington, Illinois**

Sample #	Date	DTW	GWE	Benzene	Toluene	E-benzene	Xylenes	Total BTEX
MW-1	Elevation Top of Casing =			100.00				
SI	10/6/2004	6.66	93.34	<2	<2	<5	<11	
DTW only	6/8/2010	5.42	94.58	--	--	--	--	--
DTW only	3/4/2011	5.51	94.49	--	--	--	--	--
MW-2	Elevation Top of Casing =			99.22				
SI	10/6/2004	9.38	89.84	19.7	<2	2.1	<5	<28.8
DTW only	6/8/2010	8.44	90.78	--	--	--	--	--
DTW only	3/4/2011	8.30	90.92	--	--	--	--	--
MW-3	Elevation Top of Casing =			98.50				
SI	10/6/2004	8.58	89.92	3,830	5,450	11,900	18,600	39,780
DTW only	6/8/2010	7.74	90.76	--	--	--	--	--
DTW only	3/4/2011	7.46	91.04	--	--	--	--	--
MW-4	Elevation Top of Casing =			98.88				
SI	10/6/2004	8.87	90.01	1,410	1,820	3,790	8,700	15,720
DTW only	6/8/2010	8.02	90.86	--	--	--	--	--
DTW only	3/4/2011	7.71	91.17	--	--	--	--	--
MW-5	Elevation Top of Casing =			97.75				
SI	10/6/2004	8.20	89.55	20,400	2,510	608	11,200	34,718
DTW only	6/8/2010	7.19	90.56	--	--	--	--	--
DTW only	3/4/2011	6.87	90.88	--	--	--	--	--
MW-6	Elevation Top of Casing =			97.86				
SI	10/6/2004	8.10	89.76	<2	<2	<2	<5	<11
DTW only	6/8/2010	7.17	90.69	--	--	--	--	--
DTW only	3/4/2011	6.94	90.92	--	--	--	--	--
MW-7	Elevation Top of Casing =			100.38				
SI	6/8/2010	8.90	91.48	<5.0	<5.0	<5.0	<5.0	<15
DTW only	3/4/2011	8.44	91.94	--	--	--	--	--
MW-8	Elevation Top of Casing =			99.74				
SI	3/4/2011	8.67	91.07	<1.22	620	2,600	9,460	<12,681
MW-9	Elevation Top of Casing =			99.57				
SI	3/4/2011	4.73	94.84	<5.0	<5.0	<5.0	<15.0	<30
MW-10	Elevation Top of Casing =			98.37				
SI	3/4/2011	7.48	90.89	345	638	1,800	6,770	9,553
MW-11	Elevation Top of Casing =			97.74				
SI	3/4/2011	6.71	91.03	<5.0	<5.0	<5.0	<15.0	<30
MW-12	Elevation Top of Casing =			97.95				
SI	3/4/2011	7.66	90.29	13.5	<5.0	<5.0	16.8	<40.3
MW-13	Elevation Top of Casing =			98.52				
SI	3/4/2011	8.43	90.09	11.6	<5.0	<5.0	<15.0	<36.6
MW-14	Elevation Top of Casing =			99.59				
SI	3/4/2011	9.48	90.11	<5.0	<5.0	<5.0	<15.0	<30
MW-15	Elevation Top of Casing =			99.53				
SI	3/4/2011	9.59	89.94	<5.0	<5.0	<5.0	<15.0	<30

**Table 2: Groundwater Analytical Data
Freedom Oil
1331 North Linden
Bloomington, Illinois**

Sample #	Date	DTW	GWE	Benzene	Toluene	E-benzene	Xylenes	Total BTEX
GP-1	3/23/2010	--	--	<5.0	<5.0	<5.0	<15.0	<30
GP-2	3/23/2010	--	--	<5.0	<5.0	<5.0	<15.0	<30
GP-3	3/23/2010	--	--	755	<17.5	1,240	<26.2	<2039
GP-4	3/23/2010	--	--	<6.10	<17.5	3,660	6,050	<9734
GP-5	3/23/2010	--	--	<6.1	<17.5	<18.7	<26.2	<69
GP-6	3/23/2010	--	--	<5.0	<5.0	<5.0	<15.0	<30
GP-7	3/23/2010	--	--	<6.1	<17.5	2,870	5,310	<8204
GP-8	3/23/2010	--	--	<5.0	<5.0	<5.0	<15.0	<30
GP-9	5/18/2010	--	--	14.0	65.5	2,490	5,740	8,309.5
GP-10	5/18/2010	--	--	<5.0	<5.0	<5.0	<15.0	<30.0
GP-11	5/18/2010	--	--	36.3	7.96	13.8	88.0	146.1
GP-12	5/18/2010	--	--	12.3	7.78	<5.0	19.9	<45
B-7	5/18/2010	--	--	15.5	460	2,810	5,790	9,075.5

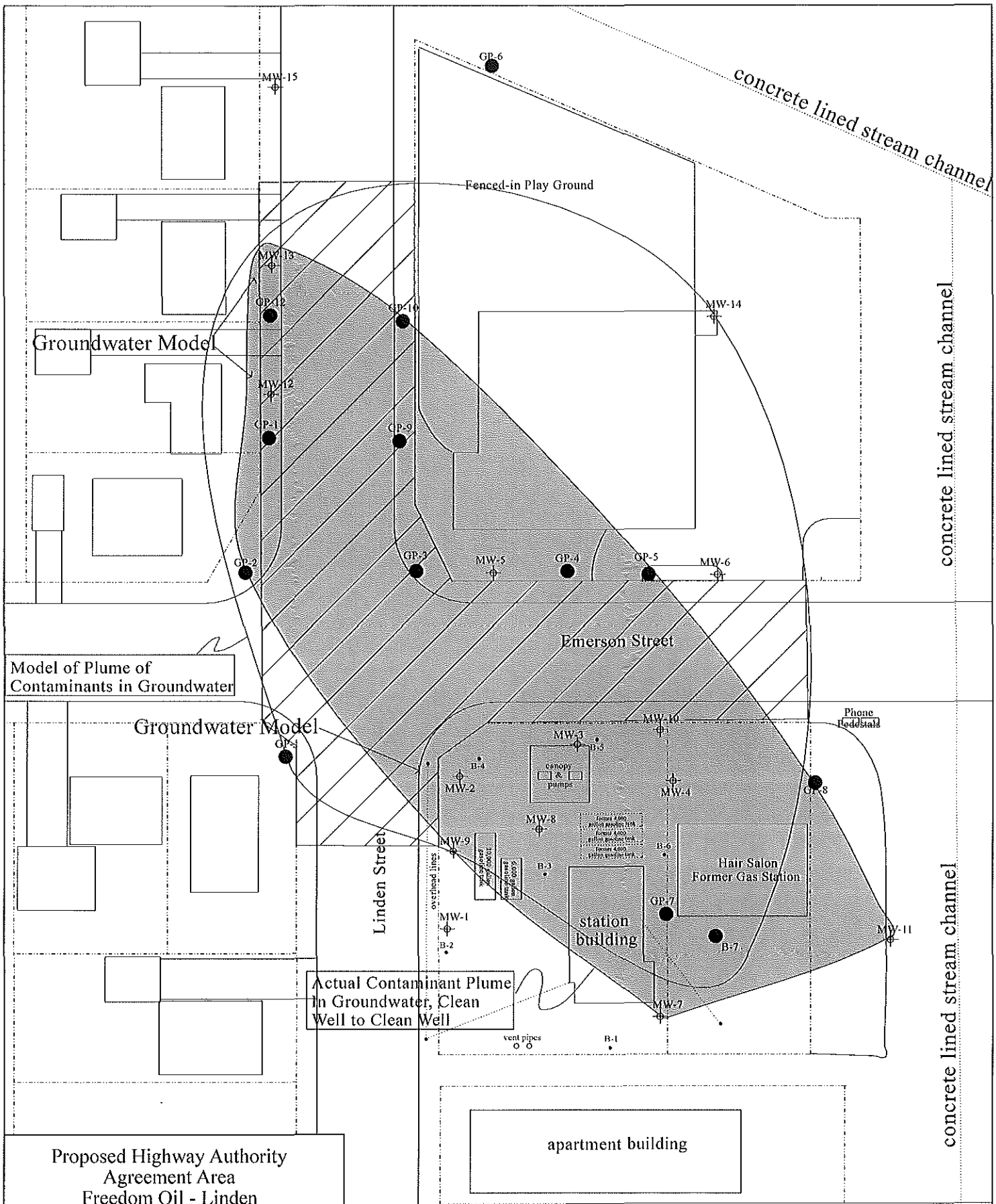
Notes:

1. All results in parts per billion (ppb).
2. IEPA Generic Cleanup Objectives:
3. -- = No data available
4. DTW = Depth to Water
5. GWE = Groundwater Elevation referenced to datum point

Benzene	Toluene	E-Benzene	Xylenes	Total BTEX
5	1000	700	10,000	11,705 ppb

Exhibit C

Highway Authority Agreement Area



Proposed Highway Authority Agreement Area
 Freedom Oil - Linden
 Bloomington, IL

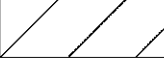



Date: 12/05/11 Drawn By: PLS

Project No: 02-47 Approved: AMG

Midwest Environmental Consulting & Remediation Services, Inc.



Legend

-  Highway Authority Agreement Area
-  MW-1 Groundwater Monitoring Well
-  B-2 Soil Boring Location
-  GeoProbe Boring



Public Works Department

115 E. Washington St., PO BOX 3157

Bloomington, IL 61702-3157

Phone: 309-434-2225

Fax: 309-434-2201

January 8, 2016

To: City Manager David A. Hales
From: Jim Karch, PE, CFM
RE: Ground pollution concerns, Linden at Emerson

We appreciate Council and public concerns regarding the issue of ground pollution documented at a service station at Linden and Emerson streets. While staff is preparing materials to be given to the Council later this month, ongoing questions require more timely response.

First, I want to assure you that, to the best of my knowledge, the State of Illinois, which has jurisdiction, does not and never has viewed ground pollution at the Freedom Oil site as a public health threat or as a contamination threat to the creek located about 275 feet to the north. The State Fire Marshal found gasoline contamination of soil, and that required testing and oversight by the state.

The end result of monitoring is a proposed "leave in place" order, meaning that the contamination is at such low levels that the State will not require removal of the affected soil. A standard ordinance is proposed in which Bloomington will ban construction and use of private water wells in the affected area. No such water wells are envisioned, but the ordinance is sought as a safeguard and as a step toward closing this file under Tier 1 of the Illinois Environmental Protection Agency (IEPA) protocol called Tiered Approach to Corrective Action Objectives (TACO). Staff recommends approval. Additional information can be found on the IEPA website <http://www.epa.gov/ust/cleaning-underground-storage-tank-ust-releases>.

Last week, I spoke to Eric Kuhlman, the field agent on this case from IEPA. He told me that gasoline leakage at Freedom was first discovered in the late 1980s by the State Fire Marshal while inspecting the site. Freedom subsequently upgraded its fuel tanks and related systems.

Testing at the property and surrounding properties followed. The results showed low levels of gasoline components. For example, the Tier 1 threshold level of a construction worker actually ingesting benzene at a site is 2,300 parts per million (ppm). The level at Freedom was 1.85 ppm.

My staff also reached out to the investigating geologist, Penny Silzer, from Midwest Environmental Services Inc. She assured us that the contamination "plume" has stabilized; it is not expanding. This is confirmed, she said, by the fact that monitoring in 2111 showed no growth in the plume – more than 20 years after initial monitoring.

"Providing good stewardship of the public infrastructure and equipment safely through competitive services and excellent customer relations."



Public Works Department

115 E. Washington St., PO BOX 3157

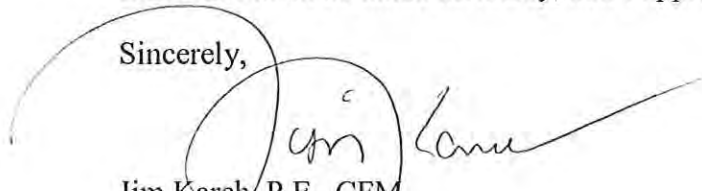
Bloomington, IL 61702-3157

Phone: 309-434-2225

Fax: 309-434-2201

While situations like this are extremely common, "common" does not equate to "taken lightly." Each case must be taken seriously, and I appreciate the need for due diligence on this matter.

Sincerely,



Jim Karch, P.E., CFM
Director of Public Works

Cc:\ Steve Rasmussen, Assistant City Manager

"Providing good stewardship of the public infrastructure and equipment safely through competitive services and excellent customer relations."