

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) **Nizar M. Somani and Fehmida M. Somani Living Trust** (“Owner/Operator”) and (2) the COUNTY OF LAKE, Illinois, an Illinois body politic and corporate, acting by and through its Chair and County Board, hereinafter referred to as the COUNTY (“Highway Authority”), collectively known as the (“Parties”).

WHEREAS, Nizar M. Somani and Fehmida M. Somani Living Trust is the owner or operator of one or more leaking underground storage tanks presently or formerly located at **731 West Rollins Road, Round Lake Beach, IL 60073** (“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) **933049** 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).
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 to this agreement. The transferee's agreement to be bound by the terms of this agreement shall be

TO

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

Nizar M. Somani and Fehmida M. Somani Living Trust

Attn: Nizar M. Somani

**1535 West Campbell Street
Arlington Heights, IL 60005**

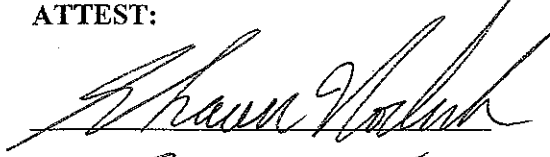
Highway Authority


Lake County Division of Transportation
600 West Winchester Road
Libertyville, Illinois 60048
Phone: (847) 362-3950
Email: DOT@co.lake.il.us

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

NIZAR M. SOMANI AND FEHMIDA M. SOMANI LIVING TRUST

ATTEST:


Title: PRESIDENT, TRICORE

By: 
Printed Name: Nizam Somani
Title: President
Date: 8/5/10

RECOMMENDED FOR EXECUTION

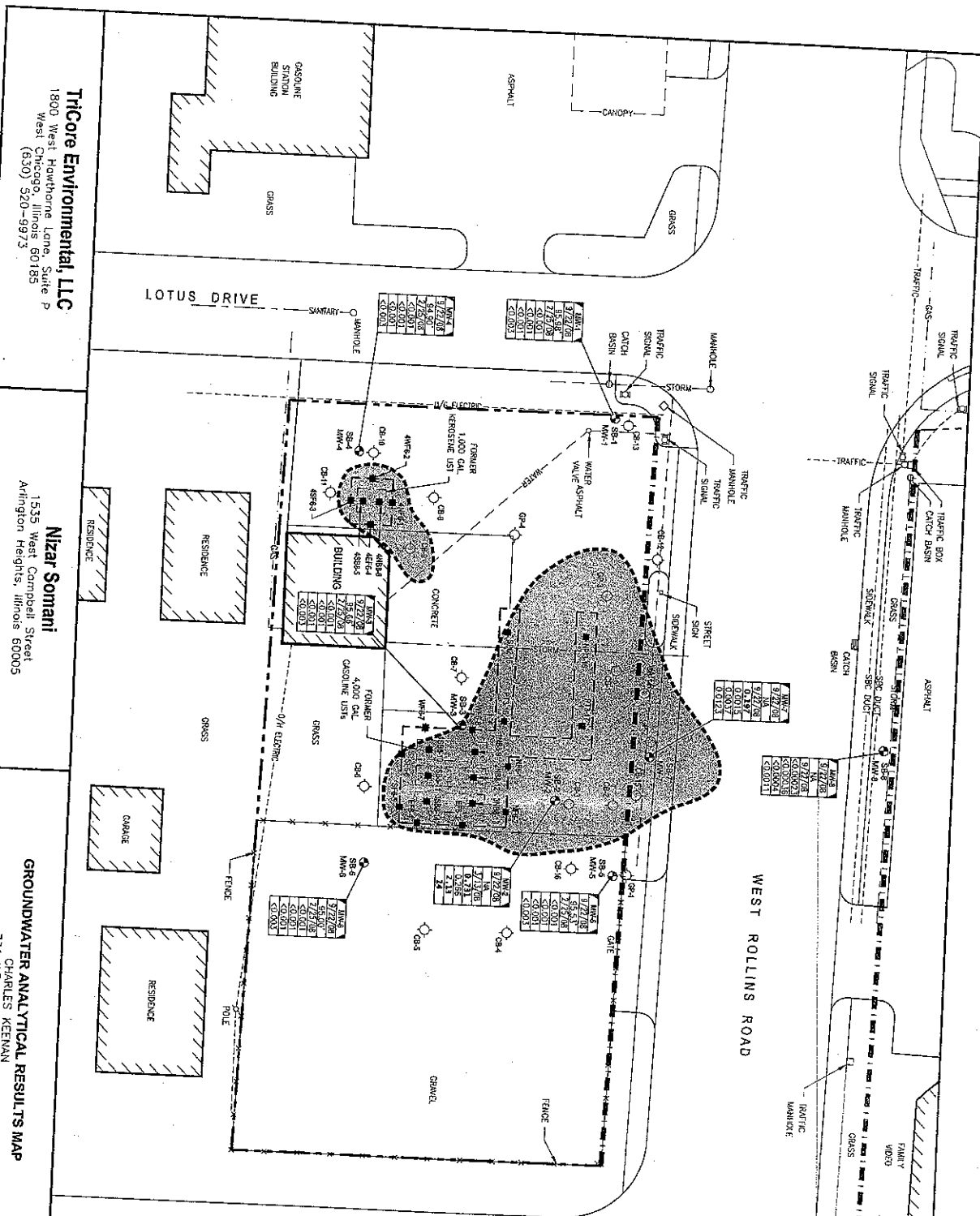
Martin G. Buehler, P.E.
Director of Transportation/County Engineer
Lake County

COUNTY OF LAKE

ATTEST:

County Clerk
Lake County

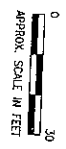
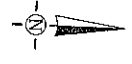
By: _____
Chair
Lake County Board
Date: _____



Tricore Environmental, LLC
 1800 West Hawthorne Lane, Suite P
 West Chicago, Illinois 60185
 (830) 520-9973

Nizar Sonani
 1535 West Campbell Street
 Arlington Heights, Illinois 60005

GROUNDWATER ANALYTICAL RESULTS MAP
 CHARLES KEENAN
 731 WEST ROLLINS ROAD
 ROUND LAKE BEACH, LAKE COUNTY, ILLINOIS 60073



ALL MAP LOCATIONS ARE APPROXIMATE

LEGEND

- PROPERTY BOUNDARY
- COUNTY HIGHWAY RIGHT-OF-WAY BOUNDARY
- APPROXIMATE LIMITS OF SOIL EXCAVATION
- CURRENT AND ESTIMATED FUTURE EXTENT OF TIER 1 RESERVE CONTAMINATION ABOVE THE APPLICABLE MONITORING WELL LOCATIONS
- MONITORING WELL LOCATION
- SOIL BORING LOCATION
- SOIL SAMPLE LOCATION

WELL	DATE	CONCENTRATION (mg/l)
MW-1	7/27/05	1.4
MW-2	7/27/05	1.4
MW-3	7/27/05	1.4
MW-4	7/27/05	1.4
MW-5	7/27/05	1.4
MW-6	7/27/05	1.4
MW-7	7/27/05	1.4
MW-8	7/27/05	1.4
MW-9	7/27/05	1.4
MW-10	7/27/05	1.4
MW-11	7/27/05	1.4
MW-12	7/27/05	1.4

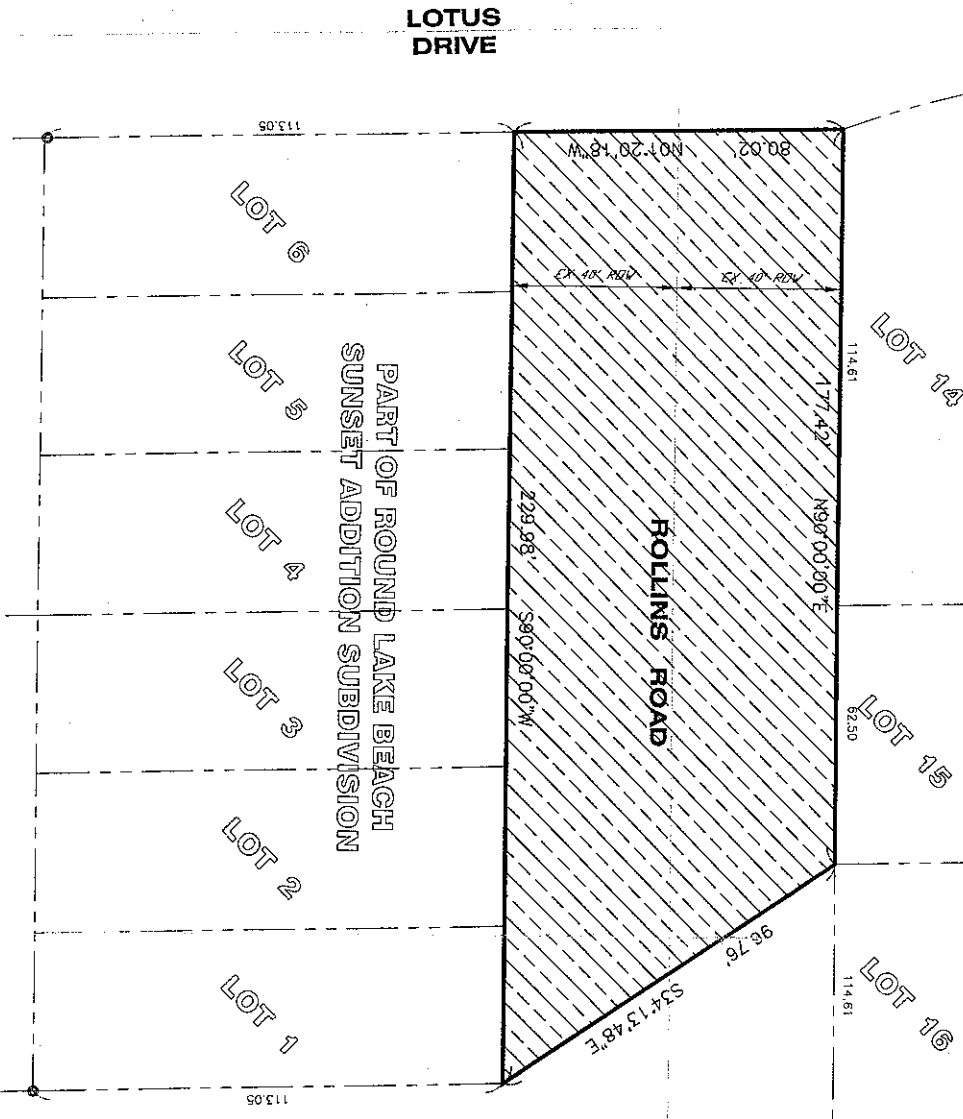
MONITORING WELL NUMBER: MW-1
 GROUNDWATER ANALYSIS DATE: 7/27/05
 RELATIVE GROUNDWATER ELEVATION (ft): 1.4
 MONITORING WELL SAMPLING DATE: 7/27/05
 TOXIC SUBSTANCE CONCENTRATION (mg/l): 1.4
 ETHYLENE GLYCOL CONCENTRATION (mg/l): 1.4
 VINYL CHLORIDE CONCENTRATION (mg/l): 1.4
 CONCENTRATION LESS THAN LABORATORY REPORTING LIMIT
 OF ANALYTES: NONE
 ANALYTES: NONE
 QUANTITIES: NONE
 DATE: 11/10/10
 DRAWING FILE: 0709GALIC

EXHIBIT A
 (2 OF 2)

PART OF ROUND LAKE BEACH INDIAN HILLS ADDITION SUBDIVISION

PLAT OF SURVEY

OF



THAT PART OF ROLLINS ROAD DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF ROLLINS ROAD WITH THE EAST RIGHT OF WAY LINE OF LOTUS DRIVE THEN NORTH $01^{\circ}20'18"$ WEST 80.02 FEET TO THE NORTH RIGHT OF WAY LINE OF ROLLINS ROAD; THENCE NORTH $90^{\circ}00'00"$ EAST ALONG THE NORTH RIGHT OF WAY LINE OF ROLLINS ROAD 177.42 FEET; THENCE SOUTH $34^{\circ}13'48"$ EAST 96.76 FEET TO A POINT AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF ROLLINS ROAD AND WEST RIGHT OF WAY LINE OF DEERPETH COURT; THENCE SOUTH $90^{\circ}00'00"$ WEST ALONG THE SOUTH RIGHT OF WAY LINE OF ROLLINS ROAD 229.98 FEET TO THE POINT OF BEGINNING ALL IN THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 45 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN IN LAKE COUNTY, ILLINOIS.

LEGEND

AREA OF HIGHWAY AUTHORITY AGREEMENT

SCALE: 1" = 30'



STATE OF ILLINOIS) S.S.
COUNTY OF LAKE)



I, HARLAN M. DOLAND, AN ILLINOIS REGISTERED PROFESSIONAL LAND SURVEYOR WITH MEASURE ENGINEERING ASSOCIATES, INC. DO HEREBY CERTIFY THAT THE PLAT OF SURVEY HEREON HAS BEEN PREPARED UNDER MY DIRECT SUPERVISION, FROM EXISTING PLATS AND RECORDS AND IS A CORRECT REPRESENTATION THEREOF.

DATED AT WAUKEGAN, ILLINOIS, THIS 22ND DAY OF NOVEMBER, A.D., 2010.
BY: HARLAN M. DOLAND, P.E., P.L.S.
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-3121
LICENSED EXPIRES 11-30-11

NO.	REVISIONS	DATE
1	REVISED PER LDDOT REVIEW	11/22/10

SCALE:	1" = 30'
DRAWN BY:	ES
CHECKED BY:	HMD
DATE:	10/7/10

McClure Engineering Associates, Inc.
2728 Grand Avenue
Waukegan, Illinois 60085
TEL 847-336-7100
FAX 847-336-7100
Design Firm License No. 184-000816
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EXHIBIT C - PLAT OF SURVEY
ROLLINS RD STRIP MALL
V:\dwg\RLB\ROLLINS\PLAT-StripMall\Base.dwg 11/22/2010 14:135 PM CST
LAKE COUNTY, ILLINOIS

SHEET NO. 1 of 1

TABLE 1
EXHIBIT B

Soil Analytical Results

Charles Keenan
731 West Rollins Road
Round Lake Beach, Lake County, Illinois 60073

Tier 1 Exposure Routes				COCs and Tier 1 Soil Remediation Objectives			
				Benzene (mg/kg)	Toluene (mg/kg)	Ethylbenzene (mg/kg)	Total Xylenes (mg/kg)
SCGIER - Class I Groundwater				0.03	12	13	150
SCGIER - Class II Groundwater				0.17	29	19	150
Inhalation - Residential				0.8	650	400	320
Inhalation - Construction Worker				2.2	42	58	5.6
Ingestion - Residential				12	16,000	7,800	16,000
Ingestion - Construction Worker				2,300	410,000	20,000	41,000
Soil Saturation Limit				870	650	400	320
Sample ID	Date Sampled	Sample Depth (feet bls)	OVA or PID Reading (ppm)				
4NF6-1	29-Nov-94	6	2,000	0.032	0.335	0.279	1.67
4WF6-2	29-Nov-94	6	500	0.015	0.325	0.339	1.43
4SF6-3	29-Nov-94	6	35	<0.002	<0.002	<0.002	<0.005
4EF6-4	29-Nov-94	6	100	<0.002	<0.002	<0.002	<0.005
4SB8-5	29-Nov-94	8	150	0.102	0.327	0.127	0.89
4NB8-6	29-Nov-94	8	100	0.526	0.066	0.171	7.28
NF6-1	29-Nov-94	6	10,000	0.654	1.35	1.14	7.96
NF6-2	29-Nov-94	6	6,000	0.321	0.404	0.644	2.72
EF6-3	29-Nov-94	6	10,000	<0.002	0.023	0.123	1.12
EF6-4	29-Nov-94	6	4,000	0.062	0.165	0.115	0.701
SF6-5	29-Nov-94	6	1,000	0.048	0.042	0.027	0.179
SF6-6	29-Nov-94	6	4,000	0.02	0.018	0.019	0.112
WF6-7	29-Nov-94	6	10,000	0.02	0.066	0.583	0.74
WF6-8	29-Nov-94	6	10,000	2.09	24.5	42.4	389
1NB8-9	29-Nov-94	8	200	0.016	0.151	0.037	0.214
1SB8-10	29-Nov-94	8	200	0.03	0.167	0.062	0.376
2SB8-11	29-Nov-94	8	70	0.013	0.062	0.022	0.155
2NB8-12	29-Nov-94	8	60	0.015	0.057	0.033	0.186
3NB8-13	29-Nov-94	8	50	0.019	0.063	0.052	0.307
3SB8-14	29-Nov-94	8	40	0.021	0.162	0.063	0.444
PT3-15	29-Nov-94	3	400	0.018	0.053	0.061	0.35
SPI2-16	29-Nov-94	3	150	0.013	0.146	0.314	0.441
PT3-17	29-Nov-94	3	10,000	0.177	1.59	3.17	12.8
NPI3-18	29-Nov-94	3	2,000	0.008	0.067	0.625	7.51
CB-1	16-Apr-98	5-7	3,200	1.21	9.06	16.01	59.06
CB-2	16-Apr-98	3-5	680	0.079	0.257	0.314	1.394
CB-3	16-Apr-98	5-7	>10,000	4.2	50.8	38.5	239.5
CB-4	16-Apr-98	3-5	44	0.003	0.033	0.011	0.059
CB-5	16-Apr-98	5-7	87	0.005	0.01	0.023	0.043
CB-6	16-Apr-98	3-5	140	0.011	0.088	0.053	0.313
CB-6	16-Apr-98	15-17	110	0.002	0.017	0.002	0.014
CB-7	16-Apr-98	3-5	320	0.006	0.088	0.028	0.159
CB-8	16-Apr-98	3-5	140	0.008	0.098	0.022	0.139
CB-9	16-Apr-98	5-7	840	0.027	0.04	2.614	16.02
CB-9	16-Apr-98	11-13	130	0.002	0.007	0.002	0.01
CB-10	16-Apr-98	3-5	94	<0.002	0.012	0.003	0.016
CB-11	16-Apr-98	5-7	62	<0.002	0.021	0.007	0.046
CB-12	16-Apr-98	9-11	440	0.006	0.031	0.006	0.036
CB-13	16-Apr-98	3-5	70	<0.002	0.022	0.005	0.027
CB-14	11-Sep-98	5-7	85	0.026	0.012	0.129	0.085
CB-15	11-Sep-98	3-5	1,250	<0.02	0.03	0.973	3.091
CB-16	11-Sep-98	5-7	57	<0.002	0.007	0.012	0.057

TABLE 1
EXHIBIT B

Soil Analytical Results

Charles Keenan
731 West Rollins Road
Round Lake Beach, Lake County, Illinois 60073

Tier 1 Exposure Routes				COCs and Tier 1 Soil Remediation Objectives			
				Benzene (mg/kg)	Toluene (mg/kg)	Ethylbenzene (mg/kg)	Total Xylenes (mg/kg)
SCGIER - Class I Groundwater				0.03	12	13	150
SCGIER - Class II Groundwater				0.17	29	19	150
Inhalation - Residential				0.8	650	400	320
Inhalation - Construction Worker				2.2	42	58	5.6
Ingestion - Residential				12	16,000	7,800	16,000
Ingestion - Construction Worker				2,300	410,000	20,000	41,000
Soil Saturation Limit				870	650	400	320
Sample ID	Date Sampled	Sample Depth (feet bls)	OVA or PID Reading (ppm)				
GP-1	6-Dec-00	6-8	32.8	<0.0059	<0.0059	<0.0059	<0.0178
GP-2	6-Dec-00	4-6	90.7	0.597	0.0087	0.657	0.251
GP-3	6-Dec-00	4-6	37.9	0.051	<0.0059	0.011	0.074
GP-4	6-Dec-00	2-4	1.5	<0.0062	<0.0062	<0.0062	<0.0186
SB-1/MW-1	5-Feb-08	2-3	0.4	<0.025	<0.062	0.14	0.86
SB-2/MW-2	5-Feb-08	4-5	1,110	3.5	6.1	69	500
SB-3/MW-3	5-Feb-08	3-4	40.6	<0.024	<0.059	0.16	0.35
SB-3/MW-3	5-Feb-08	6	1.6	<0.025	<0.063	<0.063	<0.13
SB-4/MW-4	5-Feb-08	2-3	4.0	<0.026	<0.066	0.18	1.09
SB-5/MW-5	5-Feb-08	5-7.5	0.0	<0.023	<0.058	<0.058	<0.12
SB-6/MW-6	5-Feb-08	4-5	0.0	<0.025	<0.061	<0.061	<0.12
SB-7/MW-7	12-Sep-08	3-4	439	1.29	0.0796	1.26	1.25
SB-8/MW-8	12-Sep-08	8-9.5	0	<0.0249	<0.0622	<0.0622	<0.187

Notes:

- 1) SCGIER = soil component of the groundwater ingestion exposure route; COCs = constituents of concern; OVA = organic vapor analyzer; PID = photoionization detector
- 2) bls = below land surface; mg/kg = milligrams per kilogram; ppm = parts per million
- 3) <0.065 = concentration less than the laboratory reporting limit
- 4) **Bold** = a concentration above the Tier 1 soil remediation objective(s) established in 35 Illinois Administrative Code Part 742
- 5) The soil samples were analyzed for benzene, toluene, ethylbenzene, and total xylenes using United States Environmental Protection Agency Method 8260 or 8021
- 6) Shading = soil sample location was resampled

TABLE 2
EXHIBIT B

Groundwater Elevation and Analytical Results

Charles Keenan
731 West Rollins Road
Round Lake Beach, Lake County, Illinois 60073

Tier 1 Exposure Routes					COCs and Tier 1 Groundwater Remediation Objectives			
					Benzene (mg/L)	Toluene (mg/L)	Ethylbenzene (mg/L)	Total Xylenes (mg/L)
GCGIER - Class I Groundwater					0.005	1	0.7	10
GCGIER - Class II Groundwater					0.025	2.5	1	10
Well ID	Date Sampled	Reference Elevation (feet)	Static Depth to Water (feet below TOC)	Groundwater Elevation (feet)				
MW-1	25-Feb-08	99.58	3.37	96.21	<0.001	<0.001	<0.001	<0.003
MW-1	22-Sep-08	99.58	3.60	95.98				
MW-1	18-Sep-09	99.58	3.90	95.68				
MW-2	13-Mar-08				0.731	0.266	2.13	14
MW-2	22-Sep-08		4.76					
MW-2	18-Sep-09		5.55					
MW-3	25-Feb-08	101.05	5.11	95.94	<0.001	<0.001	<0.001	<0.003
MW-3	22-Sep-08	101.05	5.39	95.66				
MW-3	18-Sep-09	101.05	5.38	95.67				
MW-4	25-Feb-08	100.70	5.01	95.69	<0.001	<0.001	<0.001	<0.003
MW-4	22-Sep-08	100.70	5.80	94.90				
MW-4	18-Sep-09	100.70	6.50	94.20				
MW-5	25-Feb-08	100.11	4.45	95.66	<0.001	<0.001	<0.001	<0.003
MW-5	22-Sep-08	100.11	4.58	95.53				
MW-5	18-Sep-09	100.11	5.35	94.76				
MW-6	25-Feb-08	100.37	5.35	95.02	<0.001	<0.001	<0.001	<0.003
MW-6	22-Sep-08	100.37	5.37	95.00				
MW-6	18-Sep-09	100.37	6.30	94.07				
MW-7	22-Sep-08		4.83		0.197	0.0015	0.0037	0.0123
MW-7	18-Sep-09		5.54		0.902	0.0056	0.0101	0.0239
MW-8	22-Sep-08		3.39		<0.00023	<0.00036	<0.0004	<0.0011
MW-8	18-Sep-09		4.15		<0.00023	<0.00036	<0.0004	<0.0011

Notes:

- 1) GCGIER = groundwater component of the groundwater ingestion exposure route; TOC = top-of-casing; COCs = constituents of concern
- 2) mg/L = milligrams per Liter
- 3) <0.005 = concentration less than the laboratory reporting limit
- 4) **Bold** = a concentration above the Tier 1 groundwater remediation objective(s) established in 35 Illinois Administrative Code Part 742
- 5) The groundwater samples were analyzed for benzene, toluene, ethylbenzene, and total xylenes using United States Environmental Protection Agency Method 8021
- 6) Groundwater elevations are relative to a site specific datum of 100 feet
- 7) The bench mark used to survey the wells was the water valve located at the northwest corner of the property near MW-1
- 8) Shading = not available or not applicable