



# Lake County Illinois

## Legislation Text

File #: 09-2218, Version: 1

Joint resolution authorizing the execution of an Illinois Environmental Protection Agency standard formal Highway Authority Agreement and a Lake County Supplemental Highway Authority Agreement between BP Products North America Inc. and Lake County as required by the IEPA in order for it to consider the issuance of a “No Further Remediation” letter to BP for its property at 2121 North Lewis Avenue, Zion, Illinois necessary for the redevelopment of said property.

- 2121 North Lewis Avenue, Zion: Highway Authority Agreements with BP Products North America Inc.
- BP Products North America Inc. (BP) owns property situated at 2121 North Lewis Avenue, Zion, Illinois which has or had leaking underground storage tanks impacting the right of way of Lewis Avenue.
- BP is requesting a “No Further Remediation” letter from the Illinois Environmental Protection Agency (IEPA) relative to this property.
- As a condition of granting said “No Further Remediation” letter the IEPA requires property owners to enter into standard formal Highway Authority Agreements stating rights and obligations relative to contaminants that may have migrated into nearby highway rights-of-way.
- Lake County has determined that a Supplemental Highway Authority Agreement is also necessary.
- This resolution authorizes the execution of both agreements with BP.

### RESOLUTION

**WHEREAS**, BP Products North America Inc. (BP), is the owner of property situated at 2121 North Lewis Avenue (County Highway 27); and

**WHEREAS**, BP is the owner or operator of leaking underground storage tanks presently or formally located at said site which caused the release of contaminants into the soil and/or groundwater including within the right of way of Lewis Avenue; and

**WHEREAS**, BP is in the process of remediating contamination at said property located at 2121 North Lewis Avenue, Zion, Illinois; and

**WHEREAS**, BP has requested from the Illinois Environmental Protection Agency (IEPA) a “No Further Remediation” letter (NFR) to enable the redevelopment of said site; and

**WHEREAS**, as a condition of granting the NFR letter, the IEPA requires the owner or owners of sites containing leaking underground storage tanks to enter into standard formal agreements with adjacent highway authorities; and

**WHEREAS**, Lake County, as the highway authority with jurisdiction of Lewis Avenue desires further stipulations over and above the IEPA standard formal highway authority agreement setting forth further rights and obligations between BP and Lake County resulting from the release of contaminants into the right-of-way of said Lewis Avenue to enable the County’s unimpeded use, and its approved permittees unimpeded use, of said right of way of Lewis

Avenue; and

**WHEREAS**, said agreements require the County as highway authority to notify any future permittees or parties that may be performing construction activities within the right-of-way of said Lewis Avenue of the potential contaminated groundwater and soils; and notification to BP to be responsible for all reasonable cost incurred in site investigation and remediation of the right-of-way associated with any future permit work or construction within said right-of-way; and

**WHEREAS**, as a term and condition of Lake County executing said IEPA standard formal Highway Authority Agreement, a draft copy of which is attached hereto, Lake County and BP are desirous of entering into a Supplemental Highway Authority Agreement, a draft copy attached hereto, both agreements setting forth the rights and obligations between BP and Lake County arising out of the said release of contaminants into the right-of-way of said Lewis Avenue.

**NOW, THEREFORE BE IT RESOLVED**, by this County Board of Lake County, Illinois, that the Chair of the County Board, the County Clerk and the County Engineer be authorized and are hereby directed to execute a standard formal IEPA Highway Authority Agreement and Lake County Supplemental Highway Authority Agreement, both agreements between BP Products North America Inc., and Lake County setting forth the rights and obligations between BP Products North America Inc., and Lake County arising out of and resulting from the release of contaminants into the right-of-way of Lewis Avenue associated with BP Products North America site situated at 2121 North Lewis Avenue, Zion, Illinois.

Dated at Waukegan, Illinois, on this 8<sup>th</sup> day of December A.D., 2009