



CITY OF CHICAGO DEPARTMENT OF PUBLIC HEALTH HIGHWAY AUTHORITY AGREEMENT

Introduction:

The City of Chicago Department of Public Health (CDPH), in conjunction with the Illinois Environmental Protection Agency (IEPA), has the authority to grant Tiered Approach to Corrective Action Right-of-Way Agreements (Agreements), also known as Highway Authority Agreements. These Agreements are issued, upon request from the Applicant, as an institutional control pursuant to obtaining a No Further Remediation (NFR) Letter from IEPA in cases where contamination is known or suspected to have migrated off-Site under rights-of way held in trust by the City.

The Agreement essentially states the following:

1. The Applicant shall reimburse the City for maintenance activities that the Applicant requests on areas where the pavement at the right-of-way is considered an engineered barrier.
2. The Agreement does not limit the City's authority to construct, reconstruct, repair or maintain and operate the right-of-way.
3. When the City conducts maintenance or construction activities in the right-of-way, the Applicant will reimburse the incremental costs the City incurs due to the contaminated soil and/or groundwater.
4. Any violation of the terms of the Agreement by the Applicant may result in its voidance.
5. The Agreement "runs with the land" and is binding upon the Applicant and all of its successors in interest.

Requirements:

The following guidelines generally govern the submittal, review, and execution of Agreements. Any deviation from these guidelines by the Applicant may affect the execution of the Agreement.

1. The Applicant shall submit two (2) copies of the Agreement to CDPH. The Agreement shall be identical to the City's model (attached), with the appropriate blanks filled in, but shall not be stamped "draft". The execution date shall be filled in by CDPH.
2. The Agreement shall be free of typographical errors and omissions and shall be signed by Owner/Operator prior to submittal to CDPH.
3. Attachment A shall consist of a legal description of the Site. Attachment B shall consist of a scale drawing of the Site and adjacent right-of-way showing the known and probable area(s) of contaminant impacted soil and groundwater exceeding the applicable Tier 1 soil and groundwater remediation objectives for residential properties. Sample depths shall also be included. Attachment C shall consist of a table showing the concentration of contaminants in soil/or groundwater within the area described in attachment B. Attachment D shall consist of the Illinois Environmental Protection Agency's Highway Authority Agreement form.
4. CDPH shall be copied on all required reports, plans, and certifications to/from IEPA pursuant to this Site and adjacent right-of-way.

5. The Applicant is responsible for recording the Agreement and the NFR determination with the Cook County Recorder of Deeds.

Issuance:

Agreements deemed acceptable by CDPH will be signed by the Chief Engineer of CDPH, indicating its execution. The signed Agreement will then be returned to the Applicant for submittal to IEPA. Once the NFR Letter has been granted by IEPA, the Applicant shall submit a copy of it to CDPH. Agreements deemed not acceptable will be returned to the Applicant with a letter detailing any deficiencies.

CDPH will notify the City of Chicago Department of Transportation (CDOT) of the executed Agreement. This will ensure that personnel applying to CDOT for a permit to perform sub-surface work at the adjacent right-of-way will be made aware of any soil and/or groundwater contamination and can take appropriate precautions.

Please submit Agreements and all related materials to:

Raul Valdivia, Ph.D.
Chief Engineer, UST /LUST Section
City of Chicago Department of Public Health
333 S. State St., Room 200
Chicago, Illinois 60604

This Fact Sheet is not intended to, and shall not be construed to, modify or supplement the Highway Authority Agreement, which constitutes the complete and entire understanding of the parties, unless specifically provided otherwise.

If you have any questions, please contact at (312) 744-3162.