

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

APEX OIL COMPANY, INC.

Defendant.

No. 05-CV-242-DRH

ORDER AND TERMS OF INJUNCTION
PURSUANT TO FED. R. CIV. P. 65(d)

HERNDON, Chief Judge:

Defendant Apex Oil Company, Inc. is hereby enjoined as follows:

1. Defendant shall continue the implementation of the In-Home Interim Measures program at the Hartford Site – in accordance with the U.S. EPA-approved Revised Effectiveness Monitoring Plan (Pl. Ex. 250) – including maintaining all In-Home Interim Measures for vapor intrusion mitigation, performing periodic monitoring, and responding to situations arising under the U.S. EPA-approved Contingency Plan.

2. Defendant shall continue the operation and maintenance of the area-wide Vapor Control System that operates as an Interim Measure for vapor intrusion mitigation at the Hartford Site, and shall ensure that all elements of the System continue to operate at adequate capacities and efficiencies.

3. Defendant shall continue periodic groundwater monitoring at the Hartford Site in a manner that is consistent with the existing Quarterly Groundwater

Monitoring Program and the Sentinel Well Monitoring Program.

4. Defendant shall construct, operate, and maintain all components of the Active LNAPL Recovery System remedy – in accordance with the Active LNAPL Recovery System 90% Design (Pl. Ex. 206) and U.S. EPA's prior written comments and qualifications in accepting the 90% Design – to abate the light non-aqueous phase liquid hydrocarbon contamination beneath the Village of Hartford.

5. Defendant shall complete the investigation of groundwater contamination at the Hartford Site and design and implement a groundwater treatment remedy to abate the dissolved phase hydrocarbon contamination at the Hartford Site and all associated conditions that present or may present an imminent and substantial endangerment to health or the environment.

6. Defendant shall investigate the conditions relevant to the potential migration of groundwater contamination from beneath the Hartford Refinery to beneath the Village of Hartford and shall design and implement a program to abate any conditions that contribute, or may in the future contribute, to petroleum hydrocarbon contamination beneath the Village.

7. Defendant shall take such other action as may be necessary to abate the hydrocarbon contamination at the Hartford Site and all associated conditions that present or may present an imminent and substantial endangerment to health or the environment, pursuant to the terms of any further order of the Court.

8. Defendant shall coordinate and cooperate with the parties to the existing Administrative Order on Consent in performing activities required under this injunction.

9. All work required by this injunctive order shall be subject to U.S. EPA oversight and approval.

IT IS SO ORDERED.

Signed this 28th day of July, 2008.

/s/ David Herndon

**Chief Judge
United States District Court
Southern District of Illinois**