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PREPARED BY:

Reid Ottesen
Village of Palatine
200 East Wood Street
Palatine, Illinois 60067



Doc# 1829815000 Fee \$164.25

RHSP FEE:\$9.00 RPRF FEE: \$1.00

KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 10/25/2018 10:15 AM PG: 1 OF 63

RETURN TO:

Reid Ottesen
Village of Palatine
200 East Wood Street
Palatine, Illinois 60067

THE ABOVE SPACE FOR RECORDER'S OFFICE

This Environmental No Further Remediation Letter must be submitted by the remediation applicant within 45 days of its receipt, to the Office of the Recorder of Cook County.

Illinois State EPA Number: 0312345087

Village of Palatine, the Remediation Applicant, whose address is 200 East Wood Street, Palatine, Illinois 60067 has performed investigative and/or remedial activities for the remediation site depicted on the attached Site Base Map and identified by the following:

1. Legal description or Reference to a Plat Showing the Boundaries:

LOTS 1 AND 2 IN BLOCK 'A' IN PALATINE, A SUBDIVISION BY ALEXANDER S. PRATT OF PART OF THE NORTHEAST ¼ OF SECTION 22, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE MAP RECORDED IN BOOK 125 OF MAPS, PAGE 61, IN COOK COUNTY, ILLINOIS, SITUATED IN THE COUNTY OF COOK AND THE STATE OF ILLINOIS

2. Common Address: 5 West Palatine Road, Palatine, Illinois

3. Real Estate Tax Index/Parcel Index Number: 02-22-205-008

4. Remediation Site Owner: same as RA

5. Land Use: Residential and/or Industrial/Commercial

6. Site Investigation: Comprehensive

See NFR letter for other terms.

(Illinois EPA Site Remediation Program Environmental Notice)



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

BRUCE RAUNER, GOVERNOR

ALEC MESSINA, DIRECTOR

217/524-3300

October 15, 2018

CERTIFIED MAIL

7017 2680 0001 0213 8031

Village of Palatine
Attn: Reid Ottesen
200 East Wood Street
Palatine, Illinois 60067

Re: 0312345087/Cook County
Palatine/Palatine, Village of
Site Remediation Program/Technical Reports
No Further Remediation Letter

VILLAGE MANAGER

OCT 18 2018

VILLAGE OF PALATINE

Dear Mr. Ottesen:

The *Remedial Action Completion Report* (received July 26, 2018/Log No. 18-67513), as prepared by APTIM Environmental & Infrastructures, Inc. for the above referenced Remediation Site, has been reviewed and approved by the Illinois Environmental Protection Agency ("Illinois EPA"). This Report demonstrates the remediation objectives approved for the site, in accordance with 35 Illinois Administrative Code Part 742 are above the existing concentrations of regulated substances and the remedial action was completed in accordance with the *Remedial Action Plan* (received January 5, 2017/Log No. 17-63755) and 35 Illinois Administrative Code Part 740.

The Remediation Site, consisting of 0.32 acres, is located at 5 West Palatine Road, Palatine, Illinois. Pursuant to Section 58.10 of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/1 et seq.), your request for a no further remediation determination is granted under the conditions and terms specified in this letter. The Remediation Applicant, as identified on the Illinois EPA's Site Remediation Program DRM-1 Form (received December 24, 2013/Log No. 13-55589), is Village of Palatine.

This comprehensive No Further Remediation Letter ("Letter") signifies a release from further responsibilities under the Act for the performance of the approved remedial action. This Letter shall be considered prima facie evidence that the Remediation Site described in the attached Illinois EPA Site Remediation Program Environmental Notice and shown in the attached Site Base Map does not constitute a threat to human health and the environment and does not require further remediation under the Act if utilized in accordance with the terms of this Letter.

4302 N. Main St., Rockford, IL 61103 (815)987-7760
595 S. State, Egin, IL 60123 (847)608-3131
2125 S. First St., Champaign, IL 61820 (217)278-5800
2009 Mall St., Collinsville, IL 62234 (618)346-5120

9511 Harrison St., Des Plaines, IL 60016 (847)294-4000
412 SW Washington St., Suite D, Peoria, IL 61602 (309)671-3022
2309 W. Main St., Suite 116, Marion, IL 62959 (618)993-7200
100 W. Randolph, Suite 10-300, Chicago, IL 60601

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Conditions and Terms of Approval

Level of Remediation and Land Use Limitations

- 1) The Remediation Site is approved for Residential and/or Industrial/Commercial land use.
- 2) The land use specified in this Letter may be revised if:
 - a) Further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use; and
 - b) A new Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.

Preventive, Engineering, and Institutional Controls

The implementation and maintenance of the following controls are required as part of the approval of the remediation objectives for this Remediation Site.

Preventive Controls:

There are no preventive controls required.

Engineering Controls:

There are no engineering controls required.

Institutional Controls:

- 3) Illinois Department of Transportation agrees through the use of a Highway Authority Agreement (1550) to allow contaminated groundwater (under Palatine Road to the North of the site located at 5 West Palatine Road, Palatine, Illinois) to remain beneath its highway right-of-way. The highway owner also agrees that the contaminated groundwater shall not be utilized as a potable or other domestic supply water.
- 4) Whereas the owner/operator is also the Highway Authority, the Illinois EPA agrees, through the use of a Highway Authority Agreement-Memorandum of Agreement (MOA), to allow contaminated groundwater and/or soils to remain beneath its highway right-of-way under Plum Grove Road to the East of the site located at 5 West Palatine Road, Palatine, Illinois. The highway owner also agrees that the contaminated groundwater shall not be utilized as a potable or other domestic supply water.

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- 5) Ordinance Number 0-133-14 adopted by the Village of Palatine on October 13, 2014 effectively prohibits the installation and use of potable water supply wells in the Village of Palatine. This ordinance provides an acceptable institutional control under the following conditions:
- a) The current owner or successor in interest of this Remediation Site who relies on this ordinance as an institutional control shall:
 - i) Monitor activities of the unit of local government relative to variance requests or changes in the ordinance relative to the use of potable groundwater at this Remediation Site; and
 - ii) Notify the Illinois EPA of any approved variance requests or ordinance changes within thirty (30) days after the date such action has been approved.
 - b) The Remediation Applicant shall provide written notification to the Village of Palatine and to owner(s) of all properties under which groundwater contamination attributable to the Remediation Site exceeds the objectives approved by the Illinois EPA. The notification shall include:
 - i) The name and address of the local unit of government;
 - ii) The citation of Ordinance 0-133-14;
 - iii) A description of the property for which the owner is being sent notice by adequate legal description or by reference to a plat showing the boundaries;
 - iv) A statement that the ordinance restricting the groundwater use has been used by the Illinois EPA in reviewing a request for groundwater remediation objectives;
 - v) A statement as to the nature of the release and response action with the name, address, and Illinois EPA inventory identification number; and
 - vi) A statement as to where more information may be obtained regarding the ordinance.
 - c) Written proof of this notification shall be submitted to the Illinois EPA within forty-five (45) days from the date this Letter is recorded to:

Mr. Jim Scott
Illinois Environmental Protection Agency
Bureau of Land/RPMS #24
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
 - d) The following activities shall be grounds for voidance of the ordinance as an institutional control and this Letter:
 - i) Modification of the referenced ordinance to allow potable uses of groundwater;

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- ii) Approval of a site-specific request, such as a variance, to allow use of groundwater at the Remediation Site or at the affected properties;
- iii) Failure to provide written proof to the Illinois EPA within forty-five (45) days from the date this Letter is recorded of written notification to Village of Palatine and affected property owner(s) of the intent to use Ordinance 0-133-14 as an institutional control at the Remediation Site; and
- iv) Violation of the terms and conditions of this No Further Remediation letter.

Other Terms

- 6) Where a groundwater ordinance is used to assure long-term protection of human health (as identified under Paragraph 5 of this Letter), the Remediation Applicant must record a copy of the groundwater ordinance adopted and administered by a unit of local government along with this Letter.
- 7) Where the Remediation Applicant is not the sole owner of the Remediation Site, the Remediation Applicant shall complete the attached *Property Owner Certification of the No Further Remediation Letter under the Site Remediation Program* Form. This certification, by original signature of each property owner, or the authorized agent of the owner(s), of the Remediation Site or any portion thereof who is not a Remediation Applicant shall be recorded along with this Letter.
- 8) Further information regarding this Remediation Site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

Illinois Environmental Protection Agency
Attn: Freedom of Information Act Officer
Division of Records Management #16
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
- 9) Pursuant to Section 58.10(f) of the Act (415 ILCS 5/58.10(f)), should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the current title holder and to the Remediation Applicant at the last known address. The notice shall specify the cause for the voidance, explain the provisions for appeal, and describe the facts in support of this cause. Specific acts or omissions that may result in the voidance of the Letter under Sections 58.10(e)(1)-(7) of the Act (415 ILCS 5/58.10(e)(1)-(7)) include, but shall not be limited to:
 - a) Any violation of institutional controls or the designated land use restrictions;
 - b) The failure to operate and maintain preventive or engineering controls or to comply with any applicable groundwater monitoring plan;

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- c) The disturbance or removal of contamination that has been left in-place in accordance with the Remedial Action Plan. Access to soil contamination may be allowed if, during and after any access, public health and the environment are protected consistent with the Remedial Action Plan;
 - d) The failure to comply with the recording requirements for this Letter;
 - e) Obtaining the Letter by fraud or misrepresentation;
 - f) Subsequent discovery of contaminants, not identified as part of the investigative or remedial activities upon which the issuance of the Letter was based, that pose a threat to human health or the environment;
 - g) The failure to pay the No Further Remediation Assessment Fee within forty-five (45) days after receiving a request for payment from the Illinois EPA;
 - h) The failure to pay in full the applicable fees under the Review and Evaluation Services Agreement within forty-five (45) days after receiving a request for payment from the Illinois EPA.
- 10) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) Village of Palatine;
 - b) The owner and operator of the Remediation Site;
 - c) Any parent corporation or subsidiary of the owner of the Remediation Site;
 - d) Any co-owner, either by joint-tenancy, right of survivorship, or any other party sharing a relationship with the owner of the Remediation Site;
 - e) Any holder of a beneficial interest of a land trust or inter vivos trust, whether revocable or irrevocable, involving the Remediation Site;
 - f) Any mortgagee or trustee of a deed of trust of the owner of the Remediation Site or any assignee, transferee, or any successor-in-interest thereto;
 - g) Any successor-in-interest of the owner of the Remediation Site;
 - h) Any transferee of the owner of the Remediation Site whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest;
 - i) Any heir or devisee of the owner of the Remediation Site;

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- j) Any financial institution, as that term is defined in Section 2 of the Illinois Banking Act and to include the Illinois Housing Development Authority, that has acquired the ownership, operation, management, or control of the Remediation Site through foreclosure or under the terms of a security interest held by the financial institution, under the terms of an extension of credit made by the financial institution, or any successor-in-interest thereto; or
- k) In the case of a fiduciary (other than a land trustee), the estate, trust estate, or other interest in property held in a fiduciary capacity, and a trustee, executor, administrator, guardian, receiver, conservator, or other person who holds the remediated site in a fiduciary capacity, or a transferee of such party.
- 11) This letter, including all attachments, must be recorded as a single instrument within forty-five (45) days of receipt with the Office of the Recorder of Cook County. For recording purposes, the Illinois EPA Site Remediation Program Environmental Notice attached to this Letter should be the first page of the instrument filed. This Letter shall not be effective until officially recorded by the Office of the Recorder of Cook County in accordance with Illinois law so that it forms a permanent part of the chain of title for the Palatine, Village of property.
- 12) Within thirty (30) days of this Letter being recorded by the Office of the Recorder of Cook County, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:
- Mr. Jim Scott
Illinois Environmental Protection Agency
Bureau of Land/RPMS #24
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
- 13) In accordance with Section 58.10(g) of the Act, a No Further Remediation Assessment Fee based on the costs incurred for the Remediation Site by the Illinois EPA for review and evaluation services will be applied in addition to the fees applicable under the Review and Evaluation Services Agreement. Request for payment of the No Further Remediation Assessment Fee will be included with the billing statement.

If you have any questions regarding the Palatine, Village of property, you may contact the Illinois EPA project manager, Tammy Smith at 217-785-8410

Sincerely,



Gregory W. Dunn, Manager
Remedial Project Management Section
Division of Remediation Management
Bureau of Land

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Attachments: Illinois EPA Site Remediation Program Environmental Notice
Site Base Map
Village of Palatine Groundwater Ordinance
Property Owner Certification of No Further Remediation Letter under the
Site Remediation Program Form
Instructions for Filing the NFR Letter

cc: John, Low, APTIM Environmental and Infrastructure, Inc, - john.low@cbi.com

Bureau of Land File
Mr. Jim Scott

Property of Cook County Clerk's Office

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GRAPHIC SCALE



PALATINE ROAD

REMEDIATION SITE BOUNDARY

S. BOTHWELL STREET

PLUM GROVE ROAD

REMEDIATION SITE BOUNDARY

W. JOHNSON STREET

NOTES

- 1. REMEDIATION SITE IS COMPRISED OF TAX PARCEL NUMBER 02-22-205-008.

REMEDIATION SITE BOUNDARY



FORMER P.G. CLARK GAS STATION
5 WEST PALATINE ROAD PALATINE, ILLINOIS

SITE BASE MAP
IEPA LPC # 0312345087 COOK COUNTY
PALATINE / PALATINE, VILLAGE OF
SITE REMEDIATION PROGRAM / TECHNICAL REPORTS

APPROVED BY: JPL PROJ. NO.: 143120 DATE: SEPT. 18, 2018

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ORDINANCE NO. 0-133-14

**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 IN A LIMITED AREA OF PALATINE
AS DEPICTED IN EXHIBIT A TO THIS ORDINANCE**

**Published in pamphlet form by authority of the
Mayor and Village Council of the Village of Palatine
on October 13, 2014**

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ORDINANCE NUMBER 0-133-14

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 IN A LIMITED AREA OF PALATINE AS DEPICTED IN EXHIBIT A TO THIS ORDINANCE

WHEREAS, certain properties in the Village of Palatine, Illinois have been used over a period of time for commercial or industrial purposes; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the Village may exceed Class I 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 Village of Palatine 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 VILLAGE COUNCIL OF THE VILLAGE OF PALATINE, COOK COUNTY, ILLINOIS:

Section One: Use of groundwater as a potable water supply in the shaded area depicted on Exhibit A attached hereto prohibited.

Except for such uses or methods in existence before the effective date of this ordinance, the use or attempt to use as a potable water supply groundwater from within that area at and adjacent to 5 West Palatine Road, Palatine, IL as depicted on Exhibit A attached hereto and made a part hereof by the installation of drilling of wells or by any other method is hereby prohibited, expressly including points of withdrawal by the Village of Palatine.

Section Two: Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of up to \$750 for each violation.

Section Three: Definitions.

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“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 Four: 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 Five: Severability.

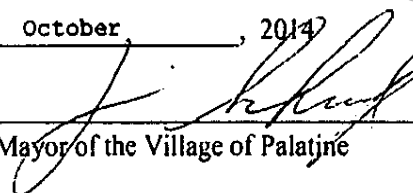
If any provision of this ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

Section Six: Effective date.

This ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

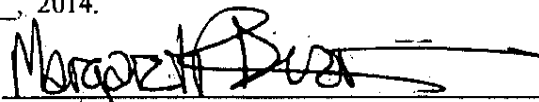
PASSED: This 13 day of October, 2014
AYES: 6 NAYS: 0 ABSENT: 0 PASS: 0

APPROVED by me this 13 day of October, 2014



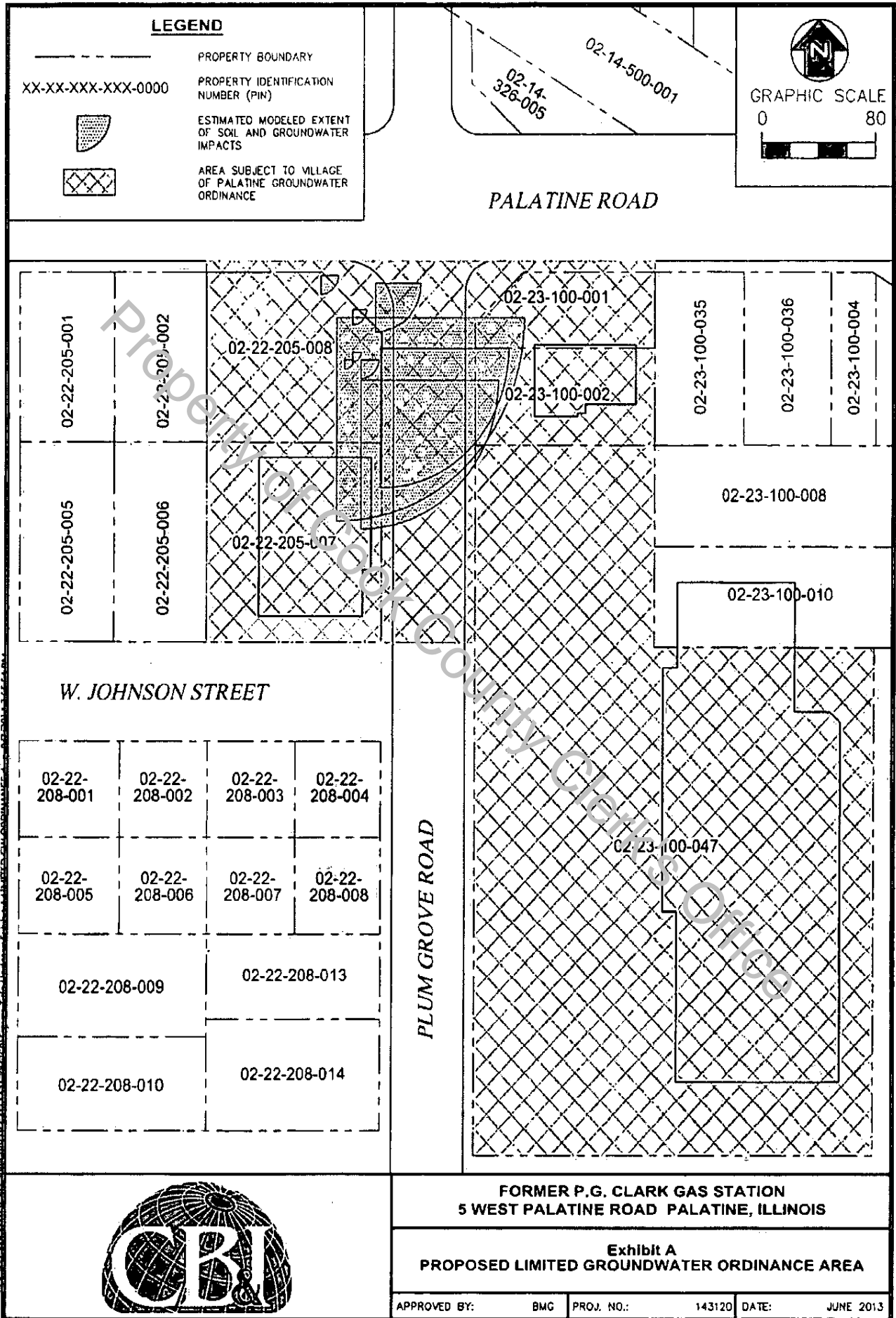
Mayor of the Village of Palatine

ATTESTED and FILED in the office of the Village Clerk this
13 day of October, 2014.



Village Clerk

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C:\Users\james\Documents\143120\143120.dwg

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Village Clerk's Office

VILLAGE OF PALATINE

200 E. Wood Street · Palatine, IL · 60067-5339
Telephone: (847) 359-9051 · Fax (847) 359-9094
www.palatine.il.us

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, LAURIE A. RAYBORN, do hereby certify that I am the Deputy Village Clerk of the Village of Palatine, Cook County, Illinois, and that I am the keeper of the records, journals, entries, Ordinances and Resolutions of the said Village of Palatine.

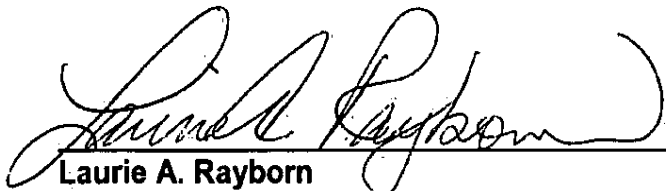
I do further certify that the foregoing Ordinance #0-133-14 is a true and correct copy of an Ordinance passed and adopted by the Village Council of the Village of Palatine at a Regular meeting held on the 13th day of October, 2014, and that said Ordinance was deposited and filed in the office of the Village Clerk on the 13th day of October, 2014.

I do further certify that the original of which the foregoing is a true copy, is entrusted to my care for safekeeping and that I am the keeper of the same.

I further certify that the vote of the Village Council on the motion to adopt said Ordinance was as follows:

AYES: 6 NAYS: 0 ABSENT: 0 PASS: 0

BY WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Palatine this 14th day of April, 2015.



Laurie A. Rayborn
Palatine Deputy Village Clerk

(SEAL)

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Illinois Department of Transportation

Office of Chief Counsel
2300 South Dirksen Parkway / Springfield, Illinois / 62764

December 16, 2015

CB & I

Attn: John Low
1607 E. Main Street, Suite E
Saint Charles, IL 60174

Re: TACO Agreement: HAA 1550 in Palatine, IL

Dear Mr. Low:

I have enclosed a fully executed original Highway Authority Agreement for the above site.

Please submit the agreement to the Illinois Environmental Protection Agency for their approval.

Thank you for your cooperation in this matter.

Very truly yours,

A handwritten signature in black ink that reads "Lisa A. Brown".

Lisa A. Brown
HAA Coordinator
Illinois Department of Transportation

Enclosures

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HAA 1550

HIGHWAY AUTHORITY AGREEMENT

This Agreement is entered into this 25th day of November, 2015 pursuant to 35 Ill. Adm. Code 742.1020 by and between the **Village of Palatine** "Owner/Operator" and Illinois Department of Transportation "Highway Authority," collectively known as the "Parties."

WHEREAS, Village of Palatine is the owner or operator of one or more leaking underground storage tanks presently or formerly located at *5 West Palatine Road in Palatine of Cook County, Illinois 60067* ("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 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 has assigned incident number(s) **950010** and **20111144** 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. 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.

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HAA 1550

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. 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.

9. This agreement shall be referenced in the Agency's no further remediation determination issued for the Release(s).
10. 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 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.
11. This agreement shall become effective as a Highway Authority Agreement on the date the Agency issues a no further remediation determination for the Release(s). It shall remain effective as a Highway Authority Agreement 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.
12. 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.
13. This agreement shall be null and void as a Highway Authority Agreement if a court of competent jurisdiction strikes down any part or provision of the agreement.
14. 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.
15. 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, IL 62974-9276

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HAA 1550

If to Owner/Operator:

Village of Palatine
 Attn: Village Manager
 200 East Wood Street
 Palatine, Illinois 60067

And to:

CB & I
 Attn: John Low
 1607 E. Main Street, Suite E
 Saint Charles, Illinois 60174

If to Department:

Illinois Department of Transportation
 Region One Engineer
 Attn: District One Environmental Studies Unit
 201 West Center Court
 Schaumburg, Illinois 60196

And to:

Illinois Department of Transportation
 Attn: Assistant Chief Counsel
 2300 S. Dirksen Parkway, Room 313
 Springfield, Illinois 62764

16. This Agreement is not binding upon the Department until it is executed by the undersigned representative of the Department. Prior to execution by the undersigned representative of the Department this Agreement constitutes an offer by Owner/Operator. The duly authorized representatives of Owner/Operator have signed this Agreement and this Agreement is binding upon them, their successors and assigns.
17. The IEPA and Illinois Attorney General "AG" must review and approve this Agreement, and this Agreement shall be referenced in the IEPA's "No Further Remediation" determination in the chain of title for the Site in the county where the Site is located. This Agreement shall be null and void as a Highway Authority Agreement should the IEPA or AG not approve it or should it not be referenced in the "No Further Remediation" determination, provided, however, that this Agreement shall be effective between the Owner/Operator and the Department immediately upon signature by their representatives.
18. The Owner/Operator agrees to defend, indemnify and hold harmless the Department, and other highway authorities, if any, maintaining the highway Right-of-Way by an agreement with the Department, and the Department's agents, contractors or employees for all obligations asserted against or costs incurred by them, including reasonable attorney's fees and court costs, associated with the release of Contaminants from the Site, regardless whether said obligations or costs were caused by the negligence, but not the gross negligence, of them.
19. As an additional consideration, Owner/Operator agrees to reimburse the Department for reasonable costs to protect human health and the environment, including, but not limited to, identifying, investigating, handling, storing and disposing of contaminated soil and/or groundwater in the Right-of-Way as a result of the release of contaminants at this Site. It has been determined that the Department has incurred **\$16,782.53** (Sixteen Thousand Seven Hundred Eighty-Two Dollars and Fifty-Three Cents) in reimbursable costs at the time this Agreement is executed by the undersigned representative of the Department. If future costs are incurred, a cashier's check made payable to "Treasurer, State of Illinois" shall be tendered to the Department of Transportation upon demand by the Department.
20. Violation of the terms of this Agreement by Owner/Operator, or their successors in interest, may be grounds for voidance of this Agreement as a Highway Authority Agreement. Violation of the terms of this Agreement by the Department will not void this Agreement, unless the IEPA has determined that the violation is grounds for voiding this Agreement as a Highway Authority Agreement and the Department has not cured the violation within such time as IEPA has granted to cure the violation.

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HAA 1550

21. This Agreement is in settlement of claims the Department may have arising from the release of Contaminants into the Right-of-Way associated with IEMA incident numbers 950010 and 20111144.
22. Prior to accessing or granting access to the soil as provided in Paragraph 8 herein, the Department will first give Owner/Operator written notice, unless there is an immediate threat to the health or safety to any individual or to the public, that it intends to perform a site investigation in the Right-of-Way and remove or dispose of contaminated soil or groundwater to the extent necessary for its work. Failure to give notice is not a violation of this Agreement. The removal or disposal shall be based upon the site investigation (which may be modified by field conditions during excavation). A copy of the site investigation report will be provided to Owner/Operator. If practicable, as reasonably determined by the Department, the Department may provide Owner/Operator with an opportunity to perform the Site investigation and to remove and dispose of the contaminated soil and/or groundwater necessary for the Department's work in advance of that work.

The Owner/Operator shall reimburse the reasonable costs incurred by the Department to perform the site investigation and to dispose of any contaminated soil or groundwater, provided, however, that if notice to Owner/Operator has not been given and there was no immediate threat to health or safety, reimbursement for those costs shall be limited to \$10,000.00. There is a rebuttable presumption that the Contaminants found in the highway Right-of-Way arose from the release of Contaminants from the Site. Should Owner/Operator not reimburse the reasonable costs under the conditions set forth herein, this Agreement shall be null and void, at the Department's option, upon written notice to Owner/Operator by the Department that those costs have not been reimbursed. Owner/Operator may cure that problem within twenty working days by making payment, or may seek to enjoin that result.

23. The Department's sole responsibility under this Agreement with respect to others using the highway Right-of-Way under permit from the Department is to include the following, or similar language, in the future standard permit provisions and to make an effort to notify its current permit holders of the following:

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.

Owner/Operator hereby releases the Department from liability for breach of this Agreement by others under permit and agrees to defend and indemnify the Department against claims that may arise from others under permit causing a breach of this Agreement. Owner/ Operator agrees that its personnel, if any, at the Site who are aware of this Agreement will notify anyone they know is excavating in the Right-of-Way about this Agreement.

24. Should the Department breach this Agreement, Owner/Operator's sole remedy is for an action for damages in the Illinois Court of Claims. Any and all claims for damages against the Department, its agents, contractors, employees or its successors in interest arising at any time for a breach of paragraphs 7 and 8 of this Agreement are limited to an aggregate maximum of \$20,000.00. No other breach by the Department, its agents, contractors, employees and its successors in interest of a provision of this Agreement is actionable in either law or equity by Owner/Operator against the Department or them and Owner/Operator hereby releases the Department, its agents, contractors, employees and its successors in interest for any cause of action it may have against them, other than as allowed in this paragraph, arising under this Agreement or environmental laws, regulations or common law governing the contaminated soil or groundwater in the highway Right-of-Way. Should the Department convey, vacate or transfer jurisdiction of that highway Right-of-Way, Owner/Operator

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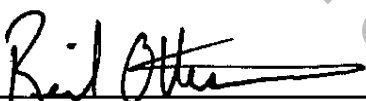
HAA 1550

may pursue an action under this Agreement against the successors in interest, other than a State agency, in a court of law.

25. This Agreement is entered into by the Department in recognition of laws passed by the General Assembly and regulations adopted by the Pollution Control Board which encourage a tiered-approach to remediating environmental contamination. This Agreement is entered into by the Department in the spirit of those laws and under its right and obligations as a highway authority.

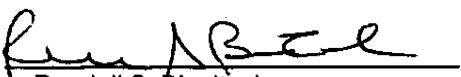
Should any provisions of this Agreement be struck down as beyond the authority of the Department, however, this Agreement shall be null and void.

IN WITNESS WHEREOF, Owner/Operator, Village of Palatine, has caused this Agreement to be signed by its duly authorized representative.

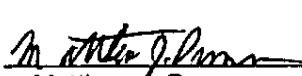
BY:  DATE: 10/19/15
Reid Ottesen,
Palatine Village Manager

IN WITNESS WHEREOF, the Department has caused this Agreement to be signed by its Secretary.

Illinois Department of Transportation

BY:  DATE: 11/25/15
Randall S. Blankenhorn
Secretary

This Agreement is approved on behalf of the Office of the Illinois Attorney General.

BY:  DATE: 12/7/15
Matthew J. Dunn
Assistant Attorney General
Chief, Division of Environmental/Asbestos Litigation

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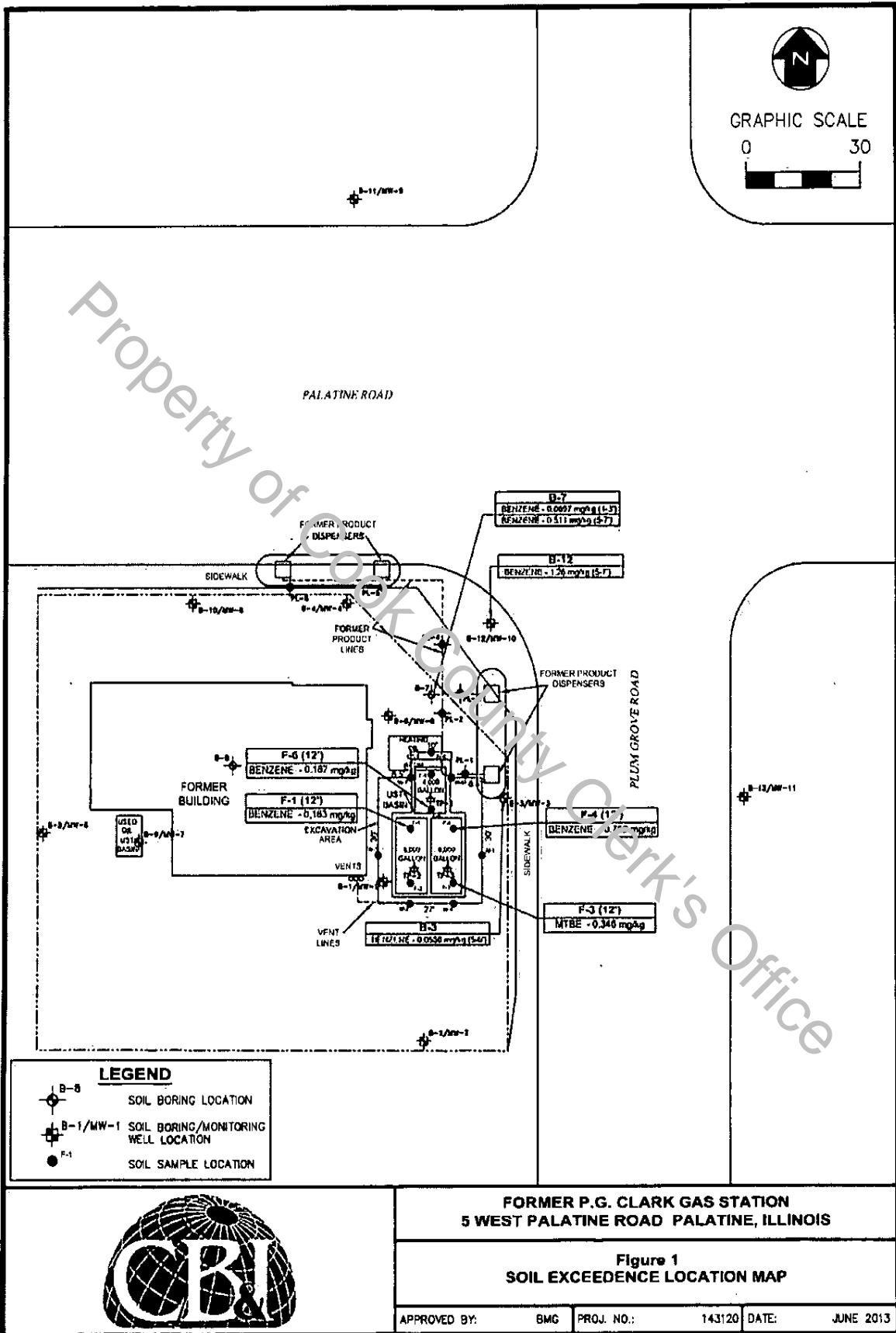
HAA 1550

Property of Cook County Clerk's Office

Exhibit A

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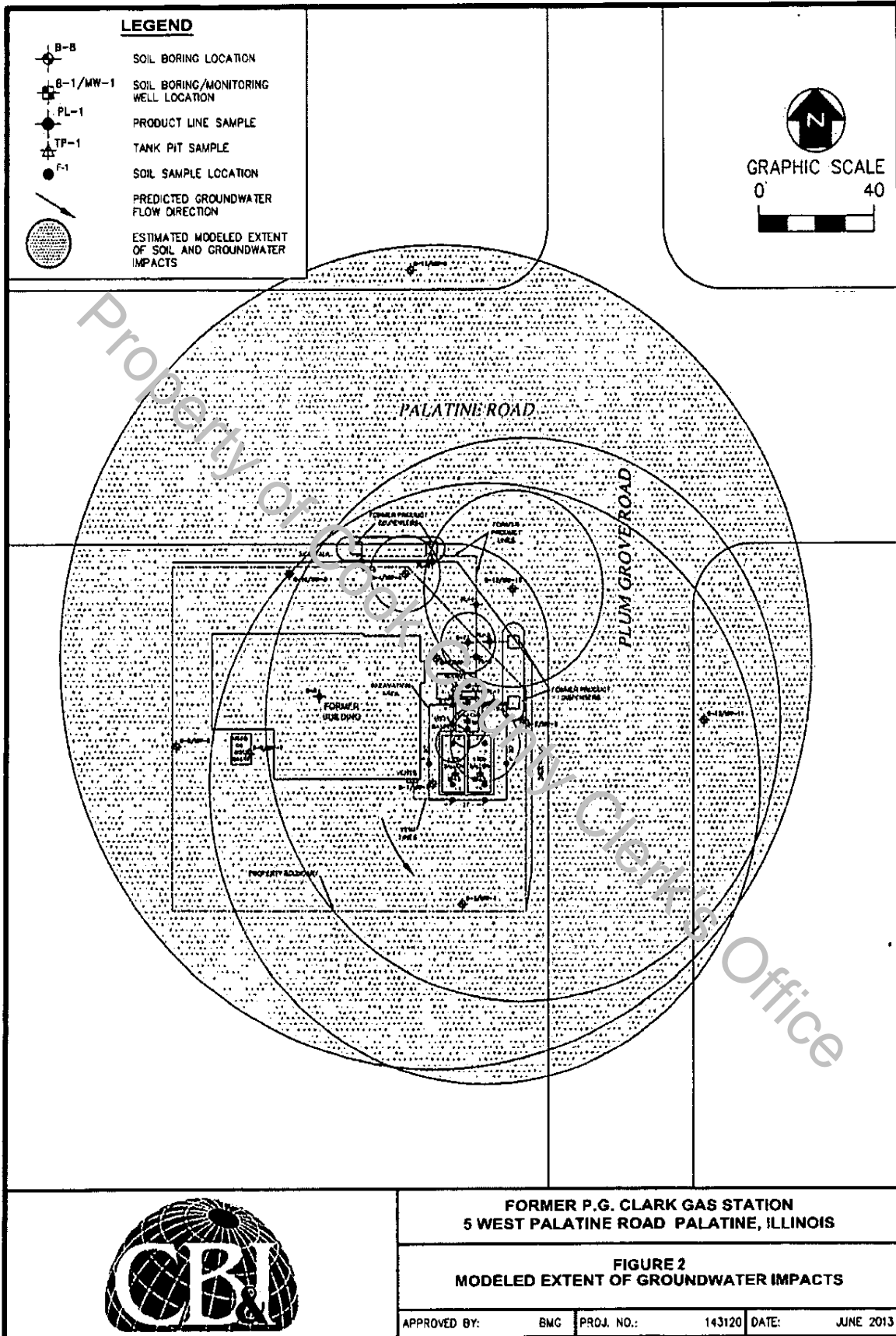
HAA 1550



T:\AutoCAD\AUTOCAD 2008 PROJECTS\143120\SIC\Figure Title Update\Figure 1 SOIL EXCEEDENCE LOCATION MAP.dwg 8/7/2014 3:56:28 PM

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E:\AutoCAD\AUTOCAD 2006 PROJECTS\143120-SEK\FIGURE 8 EXTENT OF GW IMPACTS.dwg



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Exhibit: B

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Page 1 of 3

TABLE 1
Soil Sample Analytical Results
 Farmer P.O. Clark
 Mayor of Palatine
 5 West Palatine Road, Palatine, IL

Soil Sample ID	Sample Description	Depth (ft)	Soil Type	Moisture (%)	Organic Matter (%)	Lead (ppm)	Cadmium (ppm)	Chromium (ppm)	Mercury (ppm)	Iron (ppm)	Manganese (ppm)	Zinc (ppm)	Copper (ppm)	Nickel (ppm)	Vanadium (ppm)	Selenium (ppm)	Barium (ppm)	Magnesium (ppm)	Calcium (ppm)	Sulfur (ppm)	Phosphorus (ppm)	Fluoride (ppm)	Silver (ppm)	Chloride (ppm)	Bromine (ppm)	Iodine (ppm)	Total Solids (ppm)	Total Suspended Solids (ppm)	Total Dissolved Solids (ppm)	Specific Gravity	Soil pH
001	1/8" to 3/8"	0.1	CL	12.5	2.1	1.2	0.02	1.5	0.001	150	25	100	10	5	2	1	50	500	1500	100	20	10	0.5	5	2	0.5	1500	1000	500	2.65	7.2
002	3/8" to 1/2"	0.2	CL	11.8	1.9	1.3	0.02	1.6	0.001	145	24	95	9	4	2	1	48	480	1400	90	18	8	0.4	4	2	0.4	1400	900	500	2.65	7.3
003	1/2" to 3/4"	0.3	CL	11.2	1.7	1.4	0.02	1.7	0.001	140	23	90	8	3	2	1	45	450	1300	85	17	7	0.3	3	2	0.3	1300	850	450	2.65	7.4
004	3/4" to 1"	0.4	CL	10.8	1.6	1.5	0.02	1.8	0.001	135	22	85	7	2	2	1	42	420	1200	80	16	6	0.2	2	2	0.2	1200	800	400	2.65	7.5
005	1" to 1 1/2"	0.5	CL	10.5	1.5	1.6	0.02	1.9	0.001	130	21	80	6	1	3	1	38	380	1100	75	15	5	0.1	1	3	0.1	1100	750	350	2.65	7.6



Cook County Clerk's Office

1) Soil samples were submitted by one of our Environmental, Inc. clients (redacted) on 02/02/2011, January 20, 21 & February 1, 2012, and January 30, 31 & February 1, 2013.
 2) All samples were analyzed by Environmental Laboratories, Inc., Alton, Illinois.
 3) All Remediation Operations are in strict compliance with the Illinois Environmental Protection Agency's (IEPA) Section 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, 6.08, 6.09, 6.10, 6.11, 6.12, 6.13, 6.14, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20, 6.21, 6.22, 6.23, 6.24, 6.25, 6.26, 6.27, 6.28, 6.29, 6.30, 6.31, 6.32, 6.33, 6.34, 6.35, 6.36, 6.37, 6.38, 6.39, 6.40, 6.41, 6.42, 6.43, 6.44, 6.45, 6.46, 6.47, 6.48, 6.49, 6.50, 6.51, 6.52, 6.53, 6.54, 6.55, 6.56, 6.57, 6.58, 6.59, 6.60, 6.61, 6.62, 6.63, 6.64, 6.65, 6.66, 6.67, 6.68, 6.69, 6.70, 6.71, 6.72, 6.73, 6.74, 6.75, 6.76, 6.77, 6.78, 6.79, 6.80, 6.81, 6.82, 6.83, 6.84, 6.85, 6.86, 6.87, 6.88, 6.89, 6.90, 6.91, 6.92, 6.93, 6.94, 6.95, 6.96, 6.97, 6.98, 6.99, 7.00, 7.01, 7.02, 7.03, 7.04, 7.05, 7.06, 7.07, 7.08, 7.09, 7.10, 7.11, 7.12, 7.13, 7.14, 7.15, 7.16, 7.17, 7.18, 7.19, 7.20, 7.21, 7.22, 7.23, 7.24, 7.25, 7.26, 7.27, 7.28, 7.29, 7.30, 7.31, 7.32, 7.33, 7.34, 7.35, 7.36, 7.37, 7.38, 7.39, 7.40, 7.41, 7.42, 7.43, 7.44, 7.45, 7.46, 7.47, 7.48, 7.49, 7.50, 7.51, 7.52, 7.53, 7.54, 7.55, 7.56, 7.57, 7.58, 7.59, 7.60, 7.61, 7.62, 7.63, 7.64, 7.65, 7.66, 7.67, 7.68, 7.69, 7.70, 7.71, 7.72, 7.73, 7.74, 7.75, 7.76, 7.77, 7.78, 7.79, 7.80, 7.81, 7.82, 7.83, 7.84, 7.85, 7.86, 7.87, 7.88, 7.89, 7.90, 7.91, 7.92, 7.93, 7.94, 7.95, 7.96, 7.97, 7.98, 7.99, 8.00.

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Page 2 of 2

TABLE 1
See Sample Analytical Results
Kennex P.O. Clerk
Multiple Filings
5 West Palatine Road, Palatine, IL

Sample ID	Sample Name	Sample Type	Sample Location	Date		Time		Temperature		Humidity		Pressure		Wind		Cloud		Visibility		Precip		Light		Sound	
				Start	End	Start	End	Start	End	Start	End	Start	End	Start	End	Start	End	Start	End	Start	End	Start	End	Start	End
...



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1) See samples were analyzed by the Green Environmental, Inc. during investigations conducted between 11/2011, January 20, 21 & February 1, 2012, and January 30, 31 & February 1, 2013.
 2) Not compliant with 105.10 of the Environmental Protection Act, Illinois.
 3) Not compliant with 105.10 of the Environmental Protection Act, Illinois.
 4) Not compliant with 105.10 of the Environmental Protection Act, Illinois.
 5) Not compliant with 105.10 of the Environmental Protection Act, Illinois.
 6) Not compliant with 105.10 of the Environmental Protection Act, Illinois.

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Page 3 of 3

TABLE 1
Std Sample Analytical Results
 former P.D. Clark
 1/30/01
 5 West Paddock Road, Peabody, IL

Sample No.	Sample Name	Depth (ft)	Analytical Results (mg/kg)														
			As	Cd	Pb	Cu	Mn	Ni	Sb	Se	Ag	Co	Cr	Hg	Mo	V	Zn
1	Soil	0-6"	...	...	...	...	...	...	...	...	...	...	...	...	...	...



Office of Cook County Clerk's Office

1) Not certified work performed by the State Contracted Lab (CCLM) N. 3071, January 20, 21 & February 1, 2011, and
 January 20, 31 & February 1, 2011
 2) Not certified work performed by Paul Environmental Laboratories, Inc., Itasca, Illinois
 3) Not certified work performed by Paul Environmental Laboratories, Inc., Itasca, Illinois
 4) Not certified work performed by Paul Environmental Laboratories, Inc., Itasca, Illinois
 5) Not certified work performed by Paul Environmental Laboratories, Inc., Itasca, Illinois
 6) Not certified work performed by Paul Environmental Laboratories, Inc., Itasca, Illinois

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TABLE 2

Groundwater Sample Analytical Results

Village of Palatine
Former P.G. Clark
5 West Palatine Road, Palatine, IL

Investigative Phase: Sample Identification: Date of Sample Collection: Time of Sample Collection: First Environmental Lab. Numbers:	Class 1 (Groundwater Remediation Objective)	Stage 1 Site Investigation				Stage 2 and 3 Site Investigation											
		MW-1	MW-2	MW-3	MW-4	MW-5	MW-6	MW-7	MW-8	MW-9	MW-10	MW-11					
2/15/2012 1:37 PM 12-669-003	0.005	2/15/2012 10:36 AM 12-669-003	2/15/2012 11:05 AM 12-098-011	2/15/2012 12:50 PM 12-669-004	2/15/2012 2:38 PM 12-669-005	2/15/2012 3:57 PM 13-0015-001	2/15/2012 4:27 PM 13-0015-002	2/15/2012 5:12 PM 13-0015-003	2/15/2012 6:02 PM 13-0015-004	2/15/2012 6:52 PM 13-0015-005	2/15/2012 7:42 PM 13-0015-006	2/15/2012 8:32 PM 13-0015-007	2/15/2012 9:22 PM 13-0015-008	2/15/2012 10:12 PM 13-0015-009	2/15/2012 11:02 PM 13-0015-010	2/15/2012 11:52 PM 13-0015-011	2/15/2012 12:42 PM 13-0015-012
Contaminants of Concern:																	
BTEX Organic Compounds (5030B/6260B)																	
Date Analyzed:	Units	Rep. Limit															
Benzene	mg/L	0.005	2/15/2012	2/15/2012	2/15/2012	2/15/2012	2/15/2012	2/15/2012	2/15/2012	2/15/2012	2/15/2012	2/15/2012	2/15/2012	2/15/2012	2/15/2012	2/15/2012	2/15/2012
Ethylbenzene	mg/L	0.005	<0.005	<0.005	<0.005	0.184	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	0.447
Methyl-tert-butyl Ether (MTBE)	mg/L	0.005	<0.005	<0.005	0.0219	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	0.0117
Toluene	mg/L	0.005	<0.005	<0.005	0.13	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	0.0722
Xylene, Total	mg/L	0.005	<0.005	<0.005	0.007	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	0.0105
			<0.005	<0.005	0.0246	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	0.0302

- Notes:
- 1) Groundwater samples were obtained by the Shaw Environmental, Inc. during investigative activities (February 2, 2012 and February 7, 2013).
 - 2) Groundwater samples were analyzed by First Environmental Laboratories, Inc., Naperville, Illinois.
 - 3) Groundwater Remediation Objectives are taken from 35 IAC, Part 742, Tiered Approach to Corrective Action Objectives (TAO). Appendix B, Table E unless otherwise noted.
 - 4) Bold and Red shaded value identifies result that exceeds the IEPA TAO Tier 1 Groundwater Remediation Objectives for that Contaminant of Concern.



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Exhibit: C

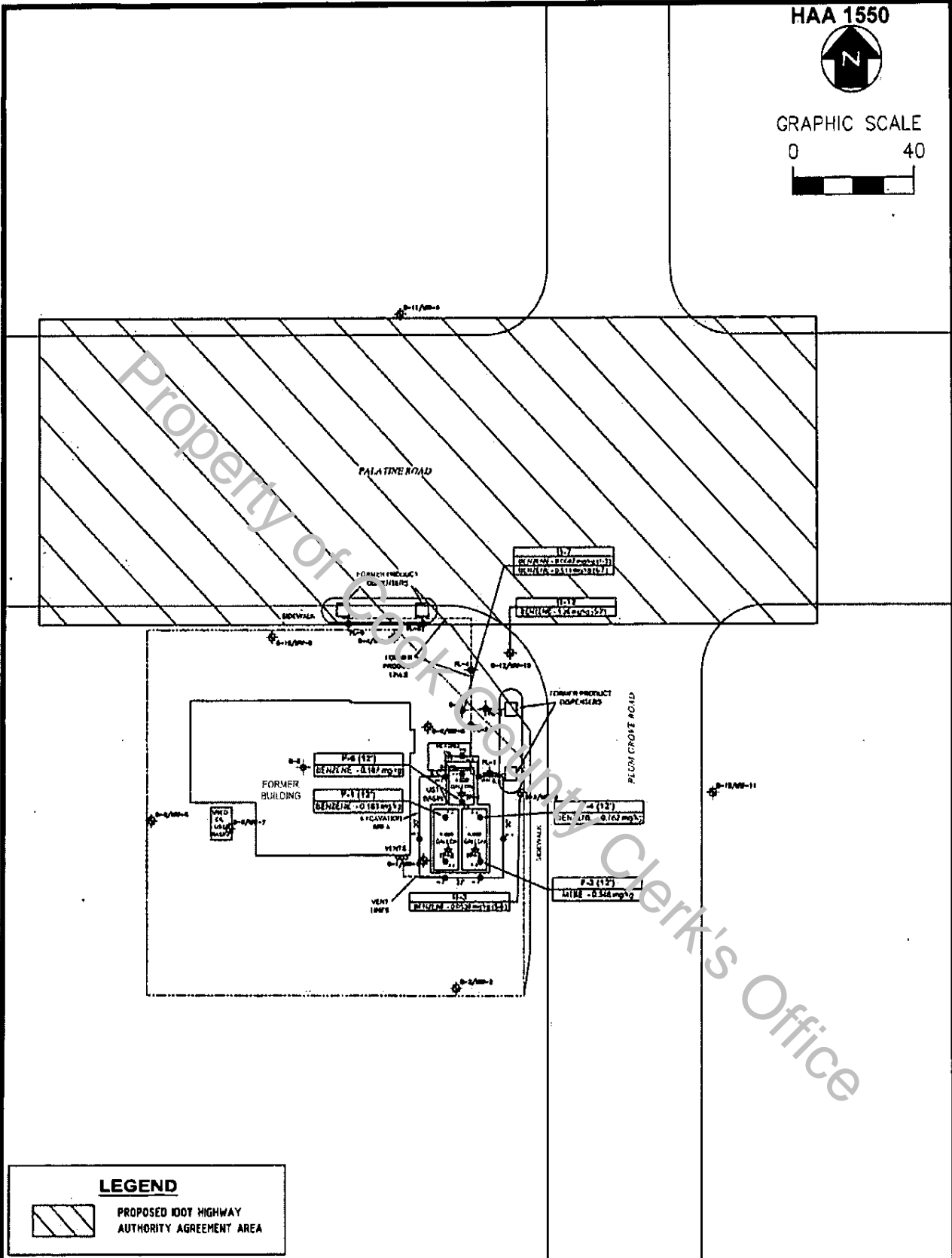
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GRAPHIC SCALE



LEGEND

 PROPOSED HOV HIGHWAY AUTHORITY AGREEMENT AREA



**FORMER P.G. CLARK GAS STATION
5 WEST PALATINE ROAD PALATINE, ILLINOIS**

**FIGURE 3
PROPOSED HIGHWAY AUTHORITY AGREEMENT AREAS**

APPROVED BY:	BMG	PROJ. NO.:	143120	DATE:	JUNE 2013
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T:\AutoCAD\ALITCCAD 2008 PROJECTS\143120\SCR\FIGURE 3-HIGHWAY AUTHORITY AGREEMENT AREAS.dwg

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VILLAGE of PALATINE

Check No. 235660

DATE	INVOICE NO.	DESCRIPTION	NET AMOUNT
07/29/2015	2015-00001166	TACO Agreement HAA 1550 IEPA #950010 & 20111144 5 W. Palatine Rd	16,782.53

RECEIVED
 NOV 06 2015

Illinois Department of Transportation
 Office of The Chief Counsel

Property of Cook County Clerk's Office

Total: \$16,782.53

ORIGINAL CHECK HAS AN ARTIFICIAL WATERMARK ON REVERSE SIDE - HOLD AT AN ANGLE TO VIEW

VILLAGE of PALATINE
 DISBURSEMENT ACCOUNT
 200 EAST WOOD STREET
 PALATINE, IL 60067

JPMorgan Chase Bank, N.A.
 CHICAGO, IL

2-1
 710

DATE

11/03/2015

AMOUNT

\$16,782.53

CHECK: 235660

PAY Sixteen Thousand Seven Hundred Eighty-Two and 53/100 Dollars

TO THE ORDER OF

Treasurer, State of Illinois
 Illinois Department of Transportation
 Ofc of Chief Counsel - Attn: Joshua Katz
 100 W Randolph St Suite 6-600
 Chicago, IL 60601

J. Schwartz

[Signature]

SIGNATURE

THE FACE OF THIS CHECK HAS A SECURITY VOID BACKGROUND PATTERN - DO NOT CASH IF THE WORD VOID IS VISIBLE

⑈ 235660⑈ ⑆ 071000013⑆ 687095661⑈

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PALATINE

VILLAGE OF PALATINE
 PALATINE POLICE DEPARTMENT HEADQUARTERS
 595 N. HICKS ROAD
 PALATINE, IL 60067-5339 – (847) 359-9050
<http://www.palatine.il.us>

VILLAGE COUNCIL & COMMITTEE OF THE WHOLE

MINUTES

OCTOBER 12, 2015

Regular Meeting

7:00 PM

I. ROLL CALL – Time: 7:00 PM

Attendee Name	Title	Status	Arrived
Jim Schwartz	Mayor	Present	
Tim Millar	District 1 Councilman	Present	
Scott Lamerand	District 2 Councilman	Present	
Doug Myslinski	District 3 Councilman	Absent	
Greg Solberg	District 4 Councilman	Present	
Kollin Kozlowski	District 5 Councilman	Present	
Brad Helms	District 6 Councilman	Present	

Also Present:

Village Clerk Marg Duer, Village Manager Reid Ottesen, Deputy Village Manager Mike Jacobs, Village Attorney Bob Kenny and Public Works Director Matt Barry

II. PLEDGE TO THE FLAG

Mayor Schwartz invited everyone to stand and join him in the Pledge to the Flag.

III. APPROVAL OF MINUTES

- Village Council & Committee of the Whole - Regular Meeting - October 5, 2015 - **Accepted**

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Greg Solberg, District 4 Councilman
SECONDER:	Scott Lamerand, District 2 Councilman
AYES:	Millar, Lamerand, Solberg, Kozlowski, Helms
ABSENT:	Myslinski

IV. MAYOR'S REPORT

- As Submitted -

Mayor Schwartz congratulated St. Theresa School for being named a 2015 National Blue Ribbon School. For this year, St. Theresa School was one of only 3 schools in the Archdiocese of Chicago, one of 50 private schools in the nation, and the only school in Palatine (public or private) to receive this award and expressed congratulations to the students and Staff at St. Theresa School for this great achievement.

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Minutes

October 12, 2015

Mayor Schwantz announced upcoming events:

Thursday, October 15, 7 p.m. - 10:30 p.m.

Palatine High School Presents Steampunk Romeo and Juliet
Palatine High School

Friday, October 16 - Sunday, October 18

October Used Book Sale
Palatine Public Library

Every Saturday

Palatine Farmers' Market - Train Station

Saturday, October 17

Palatine Police Department Open House - 10 a.m. - 12 p.m.
Must sign up online at www.palatine.il.us <<http://www.palatine.il.us/>> for a guided tour; slots are limited

Bingo Nights - 7 p.m. - 9:30 p.m.
American Legion Hall

Wednesday, October 21, 7 p.m.

District 2 Advisory Meeting

*Due to ongoing construction, the meeting will be held at the Palatine Senior Center (505 S. Quentin Road), Lower Level. Ample parking is available.

RECESS – Time: 7:01 PM

Motion to recess to Committee of the Whole - **Motion Carried by Voice Vote**

RESULT:	MOTION CARRIED BY VOICE VOTE [UNANIMOUS]
MOVER:	Brad Helms, District 6 Councilman
SECONDER:	Tim Millar, District 1 Councilman
AYES:	Millar, Lamerand, Solberg, Kozlowski, Helms
ABSENT:	Myslinski

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Minutes

October 12, 2015

V. COMMITTEE OF THE WHOLE

A. POLICE POLICY & CODE SERVICES COMMITTEE – Time: 7:01 PM

KOLLIN KOZLOWSKI, CHAIRMAN

1. Consider an Ordinance Increasing the Number of Class G Liquor Licenses for Pie Five Pizza Co. at 787 E. Dundee Road - **Motion Carried by Voice Vote**

(Council District: Three)

Village Manager Reid Ottesen stated that staff has no objection to Council approval of the Class G Liquor License serving beer and wine only from 10:30 AM to 10:00 PM seven days a week.

RESULT:	MOTION CARRIED BY VOICE VOTE [UNANIMOUS]
MOVER:	Jim Schwantz, Mayor
SECONDER:	Brad Helms, District 6 Councilman
AYES:	Schwantz, Millar, Lamerand, Solberg, Kozlowski, Helms
ABSENT:	Myslinski

2. As Submitted -

Nothing was submitted.

B. INFRASTRUCTURE & ENVIRONMENT COMMITTEE – Time: 7:01 PM

TIM MILLAR, CHAIRMAN

1. Consider a Motion to Approve Change Order #9 with CB&I Environmental for Underground Storage Tank Removal at 5 W. Palatine Road - **Approved by Voice Vote**

(Council District: Two)

Public Works Director Matt Barry explained that after environmental assessments, removal of underground storage tanks, demolition of the building and soil and ground water sampling and remediation, another underground storage tank was located. The discovery of this tank prompts Change Order #9 in an amount not to exceed \$29,921, with funding available in the environmental escrow. Eligible costs will be submitted to IEPA for reimbursement.

In response to Councilman Millar, Barry confirmed that the entire area has not been tested for contaminants.

Village Manager Reid Ottesen said the environmental escrow will be needed for remediation, and TIF funds would cover any additional remediation if needed.

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Minutes

October 12, 2015

RESULT:	APPROVED BY VOICE VOTE [UNANIMOUS]
MOVER:	Scott Lamerand, District 2 Councilman
SECONDER:	Jim Schwartz, Mayor
AYES:	Schwartz, Millar, Lamerand, Solberg, Kozlowski, Helms
ABSENT:	Myslinski

2. Consider a Motion to Approve a Highway Authority Agreement with IDOT for Right-of-Way Access Surrounding 5 W. Palatine Road - **Approved by Voice Vote**

(Council District: Two)

Village Manager Reid Ottesen explained that the prior gas station contamination of the soil and groundwater extends into Palatine Road, a State Highway which was recently improved. This Highway Authority Agreement will limit access to soil and ground water in portions of the roadway. IDOT requires \$16,782.53 from the environmental escrow to cover costs of prior environmental assessment and improvement. This agreement will indemnify IDOT from future costs related to contaminants.

RESULT:	APPROVED BY VOICE VOTE [UNANIMOUS]
MOVER:	Scott Lamerand, District 2 Councilman
SECONDER:	Jim Schwartz, Mayor
AYES:	Schwartz, Millar, Lamerand, Solberg, Kozlowski, Helms
ABSENT:	Myslinski

3. As Submitted -

Nothing was submitted.

C. ADMINISTRATION, TECHNOLOGY & COMMUNITY HEALTH COMMITTEE – Time:

7:07 PM

In the absence of DOUG MYSLINSKI, CHAIRMAN, Vice Chairman Greg Solberg opened the committee meeting.

1. As Submitted -

Nothing was submitted.

D. BUSINESS FINANCE & BUDGET COMMITTEE – Time: 7:07 PM

BRAD HELMS, CHAIRMAN

1. As Submitted -

Nothing was submitted.

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Minutes

October 12, 2015

E. COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE – Time: 7:08 PM*GREG SOLBERG, CHAIRMAN*

1. As Submitted -

Nothing was submitted.

F. FIRE POLICY & COMMUNITY INFORMATION COMMITTEE – Time: 7:08 PM*SCOTT LAMERAND, CHAIRMAN*

1. As Submitted -

Nothing was submitted.

RECONVENE – Time: 7:08 PM**Motion to Reconvene the Village Council Meeting - Motion Carried by Voice Vote**

RESULT:	MOTION CARRIED BY VOICE VOTE [UNANIMOUS]
MOVER:	Brad Helms, District 6 Councilman
SECONDER:	Kollin Kozlowski, District 5 Councilman
AYES:	Schwartz, Millar, Lamerand, Solberg, Kozlowski, Helms
ABSENT:	Myslinski

RECONVENE**VI. CONSENT AGENDA**

All items are considered to be routine by the Village Council and will be enacted by one motion, with waiver of first reading. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

RESULT:	ADOPTED BY ROLL CALL [UNANIMOUS]
MOVER:	Scott Lamerand, District 2 Councilman
SECONDER:	Tim Millar, District 1 Councilman
AYES:	Millar, Lamerand, Solberg, Kozlowski, Helms
ABSENT:	Myslinski

1. Consider an Ordinance Increasing the Number of Class G Liquor Licenses for Pie Five Pizza Co. at 787 E. Dundee Road - **Approved**

(Council District: Three)

Ordinance #0-119-15

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Minutes

October 12, 2015

2. Consider a Motion to Approve Change Order #9 with CB&I Environmental for Underground Storage Tank Removal at 5 W. Palatine Road - **Approved**

(Council District: Two)

3. Consider a Motion to Approve a Highway Authority Agreement with IDOT for Right-of-Way Access Surrounding 5 W. Palatine Road - **Approved**

(Council District: Two)

VII. REPORTS OF STANDING COMMITTEE

A. ADMINISTRATION, TECHNOLOGY & COMMUNITY HEALTH COMMITTEE

In the absence of DOUG MYSLINSKI, CHAIRMAN, Vice Chairman Greg Solberg reported.

1. As Submitted -

No Report

B. BUSINESS FINANCE & BUDGET COMMITTEE

BRAD HELMS, CHAIRMAN

1. As Submitted -

No Report

C. COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

GREG SOLBERG, CHAIRMAN

1. As Submitted -

No Report

D. FIRE POLICY & COMMUNITY INFORMATION COMMITTEE

SCOTT LAMERAND, CHAIRMAN

1. As Submitted -

No Report

E. INFRASTRUCTURE & ENVIRONMENT COMMITTEE

TIM MILLAR, CHAIRMAN

1. As Submitted -

No Report

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Minutes

October 12, 2015

F. POLICE POLICY & CODE SERVICES COMMITTEE*KOLLIN KOZLOWSKI, CHAIRMAN*

1. As Submitted -

No Report

VIII. REPORTS OF THE VILLAGE OFFICERS**A. VILLAGE MANAGER**

1. As Submitted -

No Report

B. VILLAGE CLERK

1. As Submitted -

No Report

C. VILLAGE ATTORNEY

1. As Submitted -

No Report

IX. CLOSED SESSION AS REQUIRED

No Closed Session requested.

X. RECOGNITION OF AUDIENCE

No one came forward.

XI. ADJOURNMENT – Time: 7:09 PM

1. Motion to adjourn the Village Council Meeting - **Motion Carried by Voice Vote**

RESULT:	MOTION CARRIED BY VOICE VOTE [UNANIMOUS]
MOVER:	Kollin Kozlowski, District 5 Councilman
SECONDER:	Tim Millar, District 1 Councilman
AYES:	Millar, Lamerand, Solberg, Kozlowski, Helms
ABSENT:	Myslinski

SUBMITTED BY:

Margaret R. Duer
Village Clerk

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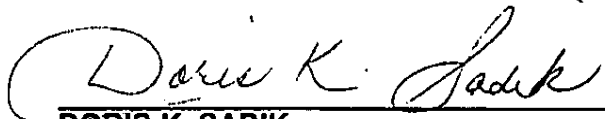
STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, DORIS K. SADIK, do hereby certify that I am the duly appointed, qualified and acting Deputy Clerk of the Village of Palatine, Cook County, Illinois, and that I am the keeper of the records, journals, entries, ordinances and resolutions of the said Village of Palatine

I do further certify that the foregoing is a true and correct copy of the minutes of the Regular Meeting of the Village Council and the Committee of the Whole of the Village of Palatine held on the 12th day of October, 2015, and that said minutes as aforesaid were deposited and filed in the Office of the Village Clerk on the 12th day of October, 2015.

I do further certify that the original of which the foregoing is a true copy, is entrusted to my care for safekeeping and that I am the keeper of the same.

BY WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Palatine this 29th day of October, 2015.



(S E A L)

DORIS K. SADIK
Acting Deputy Village Clerk

VILLAGE of PALATINE

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Check No. 235660

DATE	INVOICE NO.	DESCRIPTION	NET AMOUNT
07/29/2015	2015-00001166	TACO Agreement HAA 1550 IEPA #950010 & 20111144 5 W. Palatine Rd	16,782.53

RECEIVED
NOV 06 2015

Illinois Department of Transportation
Office of The Chief Counsel

Property of Cook County Clerk's Office

Total: \$16,782.53

ORIGINAL CHECK HAS AN ARTIFICIAL WATERMARK ON REVERSE SIDE - HOLD AT AN ANGLE

VILLAGE of PALATINE
DISBURSEMENT ACCOUNT
200 EAST WOOD STREET
PALATINE, IL 60067

JPMorgan Chase Bank, N.A.
CHICAGO, IL

DATE

11/03/2015

AMOUNT

\$16,782.53

CHECK: 235660

PAY Sixteen Thousand Seven Hundred Eighty-Two and 53/100 Dollars

TO THE
ORDER
OF

Treasurer, State of Illinois
Illinois Department of Transportation
Ofc of Chief Counsel - Attn: Joshua Katz
100 W Randolph St Suite 6-600
Chicago, IL 60601

SIGNATURE

THE FACE OF THIS CHECK HAS A SECURITY VOID BACKGROUND PATTERN - DO NOT CASH IF THE WORD VOID IS VISIBLE

⑈ 235660⑈ ⑆ 071000013⑆ 687095661⑈

UNOFFICIAL COPY

PALATINE

VILLAGE OF PALATINE
 PALATINE POLICE DEPARTMENT HEADQUARTERS
 595 N. HICKS ROAD
 PALATINE, IL 60067-5339 – (847) 359-9050
<http://www.palatine.il.us>

VILLAGE COUNCIL & COMMITTEE OF THE WHOLE

MINUTES

OCTOBER 12, 2015

Regular Meeting

7:00 PM

I. ROLL CALL – Time: 7:00 PM

Attendee Name	Title	Status	Arrived
Jim Schwartz	Mayor	Present	
Tim Millar	District 1 Councilman	Present	
Scott Lamerand	District 2 Councilman	Present	
Doug Myslinski	District 3 Councilman	Absent	
Greg Solberg	District 4 Councilman	Present	
Kollin Kozlowski	District 5 Councilman	Present	
Brad Helms	District 6 Councilman	Present	

Also Present:

Village Clerk Marg Duer, Village Manager Reid Ottesen, Deputy Village Manager Mike Jacobs, Village Attorney Bob Kenny and Public Works Director Matt Barry

II. PLEDGE TO THE FLAG

Mayor Schwartz invited everyone to stand and join him in the Pledge to the Flag.

III. APPROVAL OF MINUTES

- Village Council & Committee of the Whole - Regular Meeting - October 5, 2015 - **Accepted**

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Greg Solberg, District 4 Councilman
SECONDER:	Scott Lamerand, District 2 Councilman
AYES:	Millar, Lamerand, Solberg, Kozlowski, Helms
ABSENT:	Myslinski

IV. MAYOR'S REPORT

- As Submitted -

Mayor Schwartz congratulated St. Theresa School for being named a 2015 National Blue Ribbon School. For this year, St. Theresa School was one of only 3 schools in the Archdiocese of Chicago, one of 50 private schools in the nation, and the only school in Palatine (public or private) to receive this award and expressed congratulations to the students and Staff at St. Theresa School for this great achievement.

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Minutes

October 12, 2015

Mayor Schwantz announced upcoming events:

Thursday, October 15, 7 p.m. - 10:30 p.m.

Palatine High School Presents Steampunk Romeo and Juliet
Palatine High School

Friday, October 16 - Sunday, October 18

October Used Book Sale
Palatine Public Library

Every Saturday

Palatine Farmers' Market - Train Station

Saturday, October 17

Palatine Police Department Open House - 10 a.m. - 12 p.m.
Must sign up online at www.palatine.il.us <<http://www.palatine.il.us>> for a guided
tour; slots are limited

Bingo Nights - 7 p.m. - 9:30 p.m.
American Legion Hall

Wednesday, October 21, 7 p.m.

District 2 Advisory Meeting

*Due to ongoing construction, the meeting will be held at the Palatine Senior
Center (505 S. Quentin Road), Lower Level. Ample parking is available.

RECESS – Time: 7:01 PM

Motion to recess to Committee of the Whole - **Motion Carried by Voice Vote**

RESULT:	MOTION CARRIED BY VOICE VOTE [UNANIMOUS]
MOVER:	Brad Helms, District 6 Councilman
SECONDER:	Tim Millar, District 1 Councilman
AYES:	Millar, Lamerand, Solberg, Kozlowski, Helms
ABSENT:	Myslinski

RECESS

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Minutes

October 12, 2015

V. COMMITTEE OF THE WHOLE

A. POLICE POLICY & CODE SERVICES COMMITTEE – Time: 7:01 PM

KOLLIN KOZLOWSKI, CHAIRMAN

1. Consider an Ordinance Increasing the Number of Class G Liquor Licenses for Pie Five Pizza Co. at 787 E. Dundee Road - **Motion Carried by Voice Vote**

(Council District: Three)

Village Manager Reid Ottesen stated that staff has no objection to Council approval of the Class G Liquor License serving beer and wine only from 10:30 AM to 10:00 PM seven days a week.

RESULT:	MOTION CARRIED BY VOICE VOTE [UNANIMOUS]
MOVER:	Jim Schwantz, Mayor
SECONDER:	Brad Helms, District 6 Councilman
AYES:	Schwantz, Millar, Lamerand, Solberg, Kozlowski, Helms
ABSENT:	Myslinski

2. As Submitted -

Nothing was submitted.

B. INFRASTRUCTURE & ENVIRONMENT COMMITTEE – Time: 7:01 PM

TIM MILLAR, CHAIRMAN

1. Consider a Motion to Approve Change Order #9 with CB&I Environmental for Underground Storage Tank Removal at 5 W Palatine Road - **Approved by Voice Vote**

(Council District: Two)

Public Works Director Matt Barry explained that after environmental assessments, removal of underground storage tanks, demolition of the building and soil and ground water sampling and remediation, another underground storage tank was located. The discovery of this tank prompts Change Order #9 in an amount not to exceed \$29,921, with funding available in the environmental escrow. Eligible costs will be submitted to IEPA for reimbursement.

In response to Councilman Millar, Barry confirmed that the entire area has not been tested for contaminants.

Village Manager Reid Ottesen said the environmental escrow will be needed for remediation, and TIF funds would cover any additional remediation if needed.

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Minutes

October 12, 2015

RESULT:	APPROVED BY VOICE VOTE [UNANIMOUS]
MOVER:	Scott Lamerand, District 2 Councilman
SECONDER:	Jim Schwantz, Mayor
AYES:	Schwantz, Millar, Lamerand, Solberg, Kozlowski, Helms
ABSENT:	Myslinski

2. Consider a Motion to Approve a Highway Authority Agreement with IDOT for Right-of-Way Access Surrounding 5 W. Palatine Road - **Approved by Voice Vote**

(Council District: Two)

Village Manager Reid Ottesen explained that the prior gas station contamination of the soil and groundwater extends into Palatine Road, a State Highway which was recently improved. This Highway Authority Agreement will limit access to soil and ground water in portions of the roadway. IDOT requires \$16,782.53 from the environmental escrow to cover costs of prior environmental assessment and improvement. This agreement will indemnify IDOT from future costs related to contaminants.

RESULT:	APPROVED BY VOICE VOTE [UNANIMOUS]
MOVER:	Scott Lamerand, District 2 Councilman
SECONDER:	Jim Schwantz, Mayor
AYES:	Schwantz, Millar, Lamerand, Solberg, Kozlowski, Helms
ABSENT:	Myslinski

3. As Submitted -

Nothing was submitted.

C. ADMINISTRATION, TECHNOLOGY & COMMUNITY HEALTH COMMITTEE – Time:

7:07 PM

In the absence of DOUG MYSLINSKI, CHAIRMAN, Vice Chairman Greg Solberg opened the committee meeting.

1. As Submitted -

Nothing was submitted.

D. BUSINESS FINANCE & BUDGET COMMITTEE – Time: 7:07 PM

BRAD HELMS, CHAIRMAN

1. As Submitted -

Nothing was submitted.

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Minutes

October 12, 2015

E. COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE – Time: 7:08 PM*GREG SOLBERG, CHAIRMAN*

1. As Submitted -

Nothing was submitted.

F. FIRE POLICY & COMMUNITY INFORMATION COMMITTEE – Time: 7:08 PM*SCOTT LAMERAND, CHAIRMAN*

1 As Submitted -

Nothing was submitted.

RECONVENE – Time: 7:08 PM**Motion to Reconvene the Village Council Meeting - Motion Carried by Voice Vote**

RESULT:	MOTION CARRIED BY VOICE VOTE [UNANIMOUS]
MOVER:	Brad Helms, District 6 Councilman
SECONDER:	Kollin Kozlowski, District 5 Councilman
AYES:	Schwartz, Millar, Lamerand, Solberg, Kozlowski, Helms
ABSENT:	Myslinski

RECONVENE**VI. CONSENT AGENDA**

All items are considered to be routine by the Village Council and will be enacted by one motion, with waiver of first reading. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

RESULT:	ADOPTED BY ROLL CALL [UNANIMOUS]
MOVER:	Scott Lamerand, District 2 Councilman
SECONDER:	Tim Millar, District 1 Councilman
AYES:	Millar, Lamerand, Solberg, Kozlowski, Helms
ABSENT:	Myslinski

1. Consider an Ordinance Increasing the Number of Class G Liquor Licenses for Pie Five Pizza Co. at 787 E. Dundee Road - **Approved**

(Council District: Three)

Ordinance #0-119-15

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Minutes

October 12, 2015

2. Consider a Motion to Approve Change Order #9 with CB&I Environmental for Underground Storage Tank Removal at 5 W. Palatine Road - **Approved**

(Council District: Two)

3. Consider a Motion to Approve a Highway Authority Agreement with IDOT for Right-of-Way Access Surrounding 5 W. Palatine Road - **Approved**

(Council District: Two)

VII. REPORTS OF STANDING COMMITTEE

A. ADMINISTRATION, TECHNOLOGY & COMMUNITY HEALTH COMMITTEE

In the absence of DOUG MYSLINSKI, CHAIRMAN, Vice Chairman Greg Solberg reported.

1. As Submitted -

No Report

B. BUSINESS FINANCE & BUDGET COMMITTEE

BRAD HELMS, CHAIRMAN

1. As Submitted -

No Report

C. COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

GREG SOLBERG, CHAIRMAN

1. As Submitted -

No Report

D. FIRE POLICY & COMMUNITY INFORMATION COMMITTEE

SCOTT LAMERAND, CHAIRMAN

1. As Submitted -

No Report

E. INFRASTRUCTURE & ENVIRONMENT COMMITTEE

TIM MILLAR, CHAIRMAN

1. As Submitted -

No Report

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Minutes

October 12, 2015

F. POLICE POLICY & CODE SERVICES COMMITTEE*KOLLIN KOZLOWSKI, CHAIRMAN*

1. As Submitted -

No Report

VIII. REPORTS OF THE VILLAGE OFFICERS**A. VILLAGE MANAGER**

1. As Submitted -

No Report

B. VILLAGE CLERK

1. As Submitted -

No Report

C. VILLAGE ATTORNEY

1. As Submitted -

No Report

IX. CLOSED SESSION AS REQUIRED

No Closed Session requested.

X. RECOGNITION OF AUDIENCE

No one came forward.

XI. ADJOURNMENT – Time: 7:09 PM

1. Motion to adjourn the Village Council Meeting - **Motion Carried by Voice Vote**

RESULT:	MOTION CARRIED BY VOICE VOTE [UNANIMOUS]
MOVER:	Kollin Kozlowski, District 5 Councilman
SECONDER:	Tim Millar, District 1 Councilman
AYES:	Millar, Lamerand, Solberg, Kozlowski, Helms
ABSENT:	Myslinski

SUBMITTED BY:

Margaret R. Duer
Village Clerk

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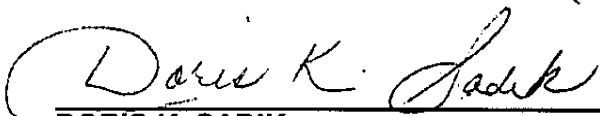
STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, DORIS K. SADIK, do hereby certify that I am the duly appointed, qualified and acting Deputy Clerk of the Village of Palatine, Cook County, Illinois, and that I am the keeper of the records, journals, entries, ordinances and resolutions of the said Village of Palatine.

I do further certify that the foregoing is a true and correct copy of the minutes of the Regular Meeting of the Village Council and the Committee of the Whole of the Village of Palatine held on the 12th day of October, 2015, and that said minutes as aforesaid were deposited and filed in the Office of the Village Clerk on the 12th day of October, 2015.

I do further certify that the original of which the foregoing is a true copy, is entrusted to my care for safekeeping and that I am the keeper of the same.

BY WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Palatine this 29th day of October, 2015.



DORIS K. SADIK
Acting Deputy Village Clerk

(SEAL)

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HIGHWAY AUTHORITY AGREEMENT MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is entered by and between the Illinois Environmental Protection Agency ("Agency") and Village of Palatine ("Highway Authority"), collectively known as the "Parties."

WHEREAS, the Highway Authority is the owner or operator of one or more leaking underground storage tanks presently or formerly located at 5 West Palatine Road, Palatine, Illinois 60067 ("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 adjacent to the Site;

WHEREAS, the Highway Authority 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 residential 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 objective, 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 has assigned incident numbers 950010 and 20111144 to the Release(s).
3. Attached as Exhibit A is a scaled map(s) prepared by the Highway Authority 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 soil remediation objectives as a result of the Release(s).
4. Attached as Exhibit B is a table(s) prepared by the Highway Authority that lists each contaminant of concern that exceeds its Tier 1 residential

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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 Highway Authority 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. 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 Memorandum of 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.

9. This agreement shall be referenced in the Agency's no further remediation determination issued for the Release(s).
10. 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

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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 Memorandum of Agreement and is signed by the Highway Authority, or subsequent transferor, and the transferee.

11. 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.
12. 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 the Highway Authority or a transferee violates any term of this agreement. The Highway Authority or transferee shall be notified in writing of any such declaration.
13. This agreement shall be null and void if a court of competent jurisdiction strikes down any part or provision of the agreement.
14. 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.
15. 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, IL 62974-9276

Village Manager, Reid Ottesen
Village of Palatine
200 East Wood Street
Palatine, IL 60067

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

VILLAGE OF PALATINE

Date: 4/21/15 By: Reid J. Otter

Its: VILLAGE MANAGER

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

Date: _____ By: _____
Director

Property of Cook County Clerk's Office

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Property of Cook County Clerk's Office

Exhibit A *Figures*



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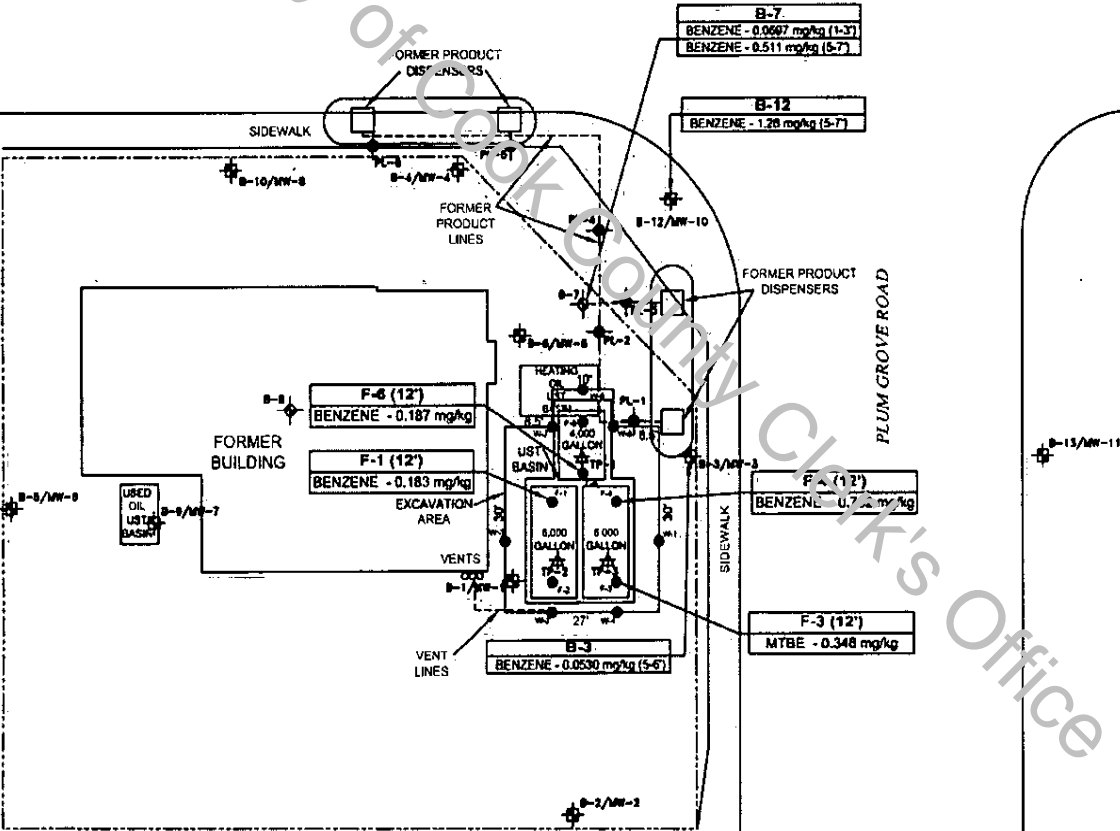


GRAPHIC SCALE



B-11/MW-9

PALATINE ROAD



LEGEND

- SOIL BORING LOCATION
- SOIL BORING/MONITORING WELL LOCATION
- SOIL SAMPLE LOCATION



**FORMER P.G. CLARK GAS STATION
5 WEST PALATINE ROAD PALATINE, ILLINOIS**








**Figure 1
SOIL EXCEEDENCE LOCATION MAP**

APPROVED BY:	BMG	PROJ. NO.:	143120	DATE:	JUNE 2013
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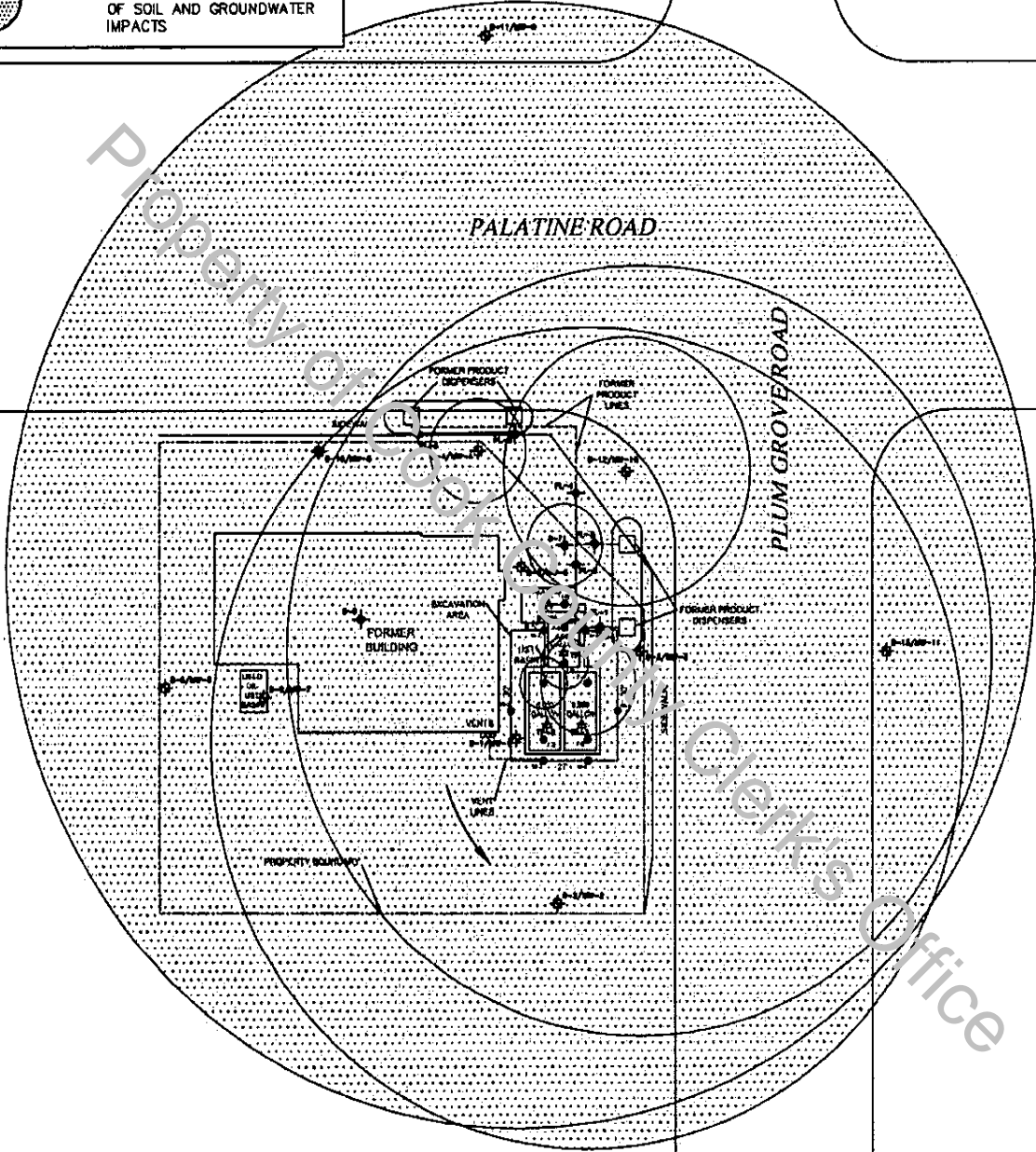
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LEGEND

-  B-8 SOIL BORING LOCATION
-  B-1/MW-1 SOIL BORING/MONITORING WELL LOCATION
-  PL-1 PRODUCT LINE SAMPLE
-  TP-1 TANK PIT SAMPLE
-  F-1 SOIL SAMPLE LOCATION
-  PREDICTED GROUNDWATER FLOW DIRECTION
-  ESTIMATED MODELED EXTENT OF SOIL AND GROUNDWATER IMPACTS



GRAPHIC SCALE



T:\msc\AUTOCAD 2008 PROJECTS\143120\SI\FIGURE 8 EXTENT OF GW IMPACTS.dwg



**FORMER P.G. CLARK GAS STATION
5 WEST PALATINE ROAD PALATINE, ILLINOIS**

**FIGURE 2
MODELED EXTENT OF GROUNDWATER IMPACTS**

APPROVED BY:	BMG	PROJ. NO.:	143120	DATE:	JUNE 2013
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Exhibit B *Tables*



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TABLE 1
Soil Sample Analytical Results
Former P.G. Clark
Village of Palatine
6 West Palatine Road, Palatine, IL

Investigative Firm Sample Identification Date of Sample Collection Time of Sample Collection First Environmental Lab. Number	Early Action - West End Field									
	10272911	10272911	10272911	10272911	10272911	10272911	10272911	10272911	10272911	10272911
Soil, Total (EPA816)	84.31	84.42	88.57	96.80	79.28	81.77	83.72	87.54	87.93	87.15
VTEX Organic Compounds (EPA 8160)										
Gasoline	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05
Methyl Methoxyacetone (MMA)	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05
Toluene	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05
Xylenes, total	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05
Residential Ingestion	12	15	17	20	14	16	17	18	18	18
Industrial Ingestion	12	15	17	20	14	16	17	18	18	18
Residential Inhalation	12	15	17	20	14	16	17	18	18	18
Industrial Inhalation	12	15	17	20	14	16	17	18	18	18
Residential Dermal	12	15	17	20	14	16	17	18	18	18
Industrial Dermal	12	15	17	20	14	16	17	18	18	18
Residential	12	15	17	20	14	16	17	18	18	18
Industrial	12	15	17	20	14	16	17	18	18	18
Residential Inhalation	12	15	17	20	14	16	17	18	18	18
Industrial Inhalation	12	15	17	20	14	16	17	18	18	18
Residential Dermal	12	15	17	20	14	16	17	18	18	18
Industrial Dermal	12	15	17	20	14	16	17	18	18	18



Cook County Clerk's Office

Notes:
 1) Soil samples were obtained by the Shaw Environmental, Inc. during investigative activities (October 24, 2011; January 30, 31 & February 1, 2012, and January 30, 31 & February 1, 2013)
 2) Samples were analyzed by Environmental Laboratories, Inc., Naperville, Illinois
 3) Soil Remediation Objectives (SROs) are based on 45 IAC Part 742, Table A, Remediation Objectives (ROs) for the various contaminants listed in Table 1
 4) Soil Remediation Objectives (SROs) are based on 45 IAC Part 742, Table A, Remediation Objectives (ROs) for the various contaminants listed in Table 1
 5) Bold and Red shaded text identifies result that exceeds one or more of the EPA (FACD) Tier 1 Soil Remediation Objectives for that Contaminant of Concern.

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TABLE 1
Soil Sample Analytical Results
 Former P.G. Clark
 Village of Palatine
 S. West Palatine Road, Palatine, IL

Investigative Phase Sample Identification	Date of Sample Collection	Time of Sample Collection	First Environmental Lab. Numbers	Units	Rep. Units	Res. Units	Res. Units	Res. Units		Res. Units		Res. Units		Res. Units		Res. Units		Res. Units	
								Res. Units	Res. Units	Res. Units	Res. Units	Res. Units	Res. Units	Res. Units	Res. Units	Res. Units	Res. Units	Res. Units	Res. Units
Solids, Total (2540B)																			
Soils Analyzed:																			
Total Solids																			
BTEX Organic Compounds (935A/B/30B)																			
Benzene				mg/kg	0.005			0.005											
Ethylbenzene				mg/kg	7.800			7.800											
Methyl-tert-butyl-ether (MTBE)				mg/kg	7.600			7.600											
Toluene				mg/kg	10.000			10.000											
Xylene, Total				mg/kg	0.000			0.000											

Notes:
 1) Soil samples were collected by the Shaw Environmental, Inc. during investigations activities (October 24, 2011; January 30, 31 & February 1, 2012; and January 30, 31 & February 1, 2012).
 2) Soil samples were analyzed by First Environmental Laboratories, Inc., Naperville, Illinois.
 3) Soil Remediation Objectives are taken from 35 IAC, Part 742, Remedial Approach to Corrective Action Objectives (TAO), Appendix B, Tables A and B, unless otherwise noted.
 4) Soil Remediation Limits (SRL) taken from 35 IAC, Part 742, TAO, Appendix A, Table A.
 5) Bold and Red Italicized values identifies result that exceeds one or more of the EPA, TAOO, Tier 1 Soil Remediation Objectives for that Contaminant of Concern.



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TABLE 1
Soil Sample Analytical Results

Former P.G. Clark
Village of Palatine
5 West Palatine Road, Palatine, IL

Investigative Phase Sample Identification Date of Sample Collection Time of Sample Collection First Environmental Lab. Number	Stages 2 and 3 Site Visit Data											
	PA1 (04/27/11)	PA2 (04/27/11)	PA3 (04/27/11)	PA4 (04/27/11)	PA5 (04/27/11)	PA6 (04/27/11)	PA7 (04/27/11)	PA8 (04/27/11)	PA9 (04/27/11)	PA10 (04/27/11)	PA11 (04/27/11)	PA12 (04/27/11)
Soils, Total (76404)	92.56	30.95	24.013	24.013	24.013	24.013	24.013	24.013	24.013	24.013	24.013	24.013
Soils Analyzed:												
Units												
Rep. Limit												
STEX Organic Compounds (EPA 8160B)												
Units												
Rep. Limit												
Benzene	17	1.6	1.6	1.6	1.6	1.6	1.6	1.6	1.6	1.6	1.6	1.6
Chlorobenzene	800	20000	20000	20000	20000	20000	20000	20000	20000	20000	20000	20000
Toluene	760	760	760	760	760	760	760	760	760	760	760	760
o-xylene	830	830	830	830	830	830	830	830	830	830	830	830
m-xylene	830	830	830	830	830	830	830	830	830	830	830	830
p-xylene	830	830	830	830	830	830	830	830	830	830	830	830
Styrene	150	150	150	150	150	150	150	150	150	150	150	150
Diethylbenzene	150	150	150	150	150	150	150	150	150	150	150	150
Triethylbenzene	150	150	150	150	150	150	150	150	150	150	150	150
n-Propylbenzene	150	150	150	150	150	150	150	150	150	150	150	150
Phenylacetylene	150	150	150	150	150	150	150	150	150	150	150	150
Acetylene	150	150	150	150	150	150	150	150	150	150	150	150
Acetylene Dimer	150	150	150	150	150	150	150	150	150	150	150	150
Acetylene Trimer	150	150	150	150	150	150	150	150	150	150	150	150
Acetylene Tetramer	150	150	150	150	150	150	150	150	150	150	150	150
Acetylene Pentamer	150	150	150	150	150	150	150	150	150	150	150	150
Acetylene Hexamer	150	150	150	150	150	150	150	150	150	150	150	150
Acetylene Heptamer	150	150	150	150	150	150	150	150	150	150	150	150
Acetylene Octamer	150	150	150	150	150	150	150	150	150	150	150	150
Acetylene Nonamer	150	150	150	150	150	150	150	150	150	150	150	150
Acetylene Decamer	150	150	150	150	150	150	150	150	150	150	150	150



Notes:
 1) Soil samples were obtained by the Shaw Environmental, Inc. during investigative activities (October 24, 2011; January 30, 31 & February 1, 2012; and January 30, 31 & February 1, 2013).
 2) Soil samples were analyzed by First Environmental Laboratories, Inc., Naperville, Illinois.
 3) Soil Remediation Objectives are taken from 33 IAC, Part 142, Table A, Remedial Objectives for Remedial Action Objectives (RAO), Appendix B Tables A and B unless otherwise noted.
 4) Soil Remediation Objectives are taken from 33 IAC, Part 142, Table C, Remedial Objectives for Remedial Action Objectives (RAO), Appendix A Tables A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, AL, AM, AN, AO, AP, AQ, AR, AS, AT, AU, AV, AW, AX, AY, AZ, BA, BB, BC, BD, BE, BF, BG, BH, BI, BJ, BK, BL, BM, BN, BO, BP, BQ, BR, BS, BT, BU, BV, BW, BX, BY, BZ, CA, CB, CC, CD, CE, CF, CG, CH, CI, CJ, CK, CL, CM, CN, CO, CP, CQ, CR, CS, CT, CU, CV, CW, CX, CY, CZ, DA, DB, DC, DD, DE, DF, DG, DH, DI, DJ, DK, DL, DM, DN, DO, DP, DQ, DR, DS, DT, DU, DV, DW, DX, DY, DZ, EA, EB, EC, ED, EE, EF, EG, EH, EI, EJ, EK, EL, EM, EN, EO, EP, EQ, ER, ES, ET, EU, EV, EW, EX, EY, EZ, FA, FB, FC, FD, FE, FF, FG, FH, FI, FJ, FK, FL, FM, FN, FO, FP, FQ, FR, FS, FT, FU, FV, FW, FX, FY, FZ, GA, GB, GC, GD, GE, GF, GG, GH, GI, GJ, GK, GL, GM, GN, GO, GP, GQ, GR, GS, GT, GU, GV, GW, GX, GY, GZ, HA, HB, HC, HD, HE, HF, HG, HH, HI, HJ, HK, HL, HM, HN, HO, HP, HQ, HR, HS, HT, HU, HV, HW, HX, HY, HZ, IA, IB, IC, ID, IE, IF, IG, IH, II, IJ, IK, IL, IM, IN, IO, IP, IQ, IR, IS, IT, IU, IV, IW, IX, IY, IZ, JA, JB, JC, JD, JE, JF, JG, JH, JI, JJ, JK, JL, JM, JN, JO, JP, JQ, JR, JS, JT, JU, JV, JW, JX, JY, JZ, KA, KB, KC, KD, KE, KF, KG, KH, KI, KJ, KK, KL, KM, KN, KO, KP, KQ, KR, KS, KT, KU, KV, KW, KX, KY, KZ, LA, LB, LC, LD, LE, LF, LG, LH, LI, LJ, LK, LL, LM, LN, LO, LP, LQ, LR, LS, LT, LU, LV, LW, LX, LY, LZ, MA, MB, MC, MD, ME, MF, MG, MH, MI, MJ, MK, ML, MM, MN, MO, MP, MQ, MR, MS, MT, MU, MV, MW, MX, MY, MZ, NA, NB, NC, ND, NE, NF, NG, NH, NI, NJ, NK, NL, NM, NN, NO, NP, NQ, NR, NS, NT, NU, NV, NW, NX, NY, NZ, OA, OB, OC, OD, OE, OF, OG, OH, OI, OJ, OK, OL, OM, ON, OO, OP, OQ, OR, OS, OT, OU, OV, OW, OX, OY, OZ, PA, PB, PC, PD, PE, PF, PG, PH, PI, PJ, PK, PL, PM, PN, PO, PP, PQ, PR, PS, PT, PU, PV, PW, PX, PY, PZ, QA, QB, QC, QD, QE, QF, QG, QH, QI, QJ, QK, QL, QM, QN, QO, QP, QQ, QR, QS, QT, QU, QV, QW, QX, QY, QZ, RA, RB, RC, RD, RE, RF, RG, RH, RI, RJ, RK, RL, RM, RN, RO, RP, RQ, RR, RS, RT, RU, RV, RW, RX, RY, RZ, SA, SB, SC, SD, SE, SF, SG, SH, SI, SJ, SK, SL, SM, SN, SO, SP, SQ, SR, SS, ST, SU, SV, SW, SX, SY, SZ, TA, TB, TC, TD, TE, TF, TG, TH, TI, TJ, TK, TL, TM, TN, TO, TP, TQ, TR, TS, TT, TU, TV, TW, TX, TY, TZ, UA, UB, UC, UD, UE, UF, UG, UH, UI, UJ, UK, UL, UM, UN, UO, UP, UQ, UR, US, UT, UY, UZ, VA, VB, VC, VD, VE, VF, VG, VH, VI, VJ, VK, VL, VM, VN, VO, VP, VQ, VR, VS, VT, VU, VV, VW, VX, VY, VZ, WA, WB, WC, WD, WE, WF, WG, WH, WI, WJ, WK, WL, WM, WN, WO, WP, WQ, WR, WS, WT, WY, WZ, XA, XB, XC, XD, XE, XF, XG, XH, XI, XJ, XK, XL, XM, XN, XO, XP, XQ, XR, XS, XT, XU, XV, XW, XX, XY, XZ, YA, YB, YC, YD, YE, YF, YG, YH, YI, YJ, YK, YL, YM, YN, YO, YP, YQ, YR, YS, YT, YU, YV, YW, YX, YZ, ZA, ZB, ZC, ZD, ZE, ZF, ZG, ZH, ZI, ZJ, ZK, ZL, ZM, ZN, ZO, ZP, ZQ, ZR, ZS, ZT, ZU, ZV, ZW, ZX, ZY, ZZ

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TABLE 2

Groundwater Sample Analytical Results

Village of Palatine
Former P.G. Clark
5 West Palatine Road, Palatine, IL

Investigative Phase: Sample Identification:	Stage 1 Site Investigation						Stage 2 and 3 Site Investigation					
	MW-1	MW-2	MW-3	MW-4	MW-5	MW-6	MW-7	MW-8	MW-9	MW-10	MW-11	
Date of Sample Collection:	2/9/2012	2/9/2012	2/9/2012	2/9/2012	2/9/2012	2/9/2012	2/7/2013	2/7/2013	2/7/2013	2/7/2013	2/7/2013	
Time of Sample Collection:	1:37 PM	10:38 AM	10:05 AM	3:05 PM	3:38 PM	6:20 PM	12:59 PM	12:08 PM	12:08 PM	1:46 PM	11:20 AM	
First Environmental Lab. Numbers:	12-668-003	12-668-002	12-668-001	12-668-004	12-668-005	2-0674-002	13-0615-001	13-0615-002	13-0615-003	13-0615-004		
Contaminants of Concern:												
BTEX Organic Compounds (5030B/8260B)												
Date Analyzed:	2/15/2012	2/15/2012	2/15/2012	2/15/2012	2/15/2012	2/15/2012	2/12/2013	2/12/2013	2/12/2013	2/13/2013	2/12/2013	
Benzene	<0.005	<0.005	<0.005	0.184	<0.005	<0.005	<0.005	<0.005	<0.005	0.447	<0.005	
Ethylbenzene	<0.005	<0.005	<0.005	0.0219	<0.005	<0.005	<0.005	<0.005	<0.005	0.0117	<0.005	
Methyl-tert-butylether (MTBE)	<0.005	<0.005	0.13	0.0141	<0.005	0.188	<0.005	<0.005	<0.005	0.0722	0.006	
Toluene	<0.005	<0.005	<0.005	0.007	<0.005	<0.005	<0.005	<0.005	<0.005	0.0105	<0.005	
Xylene, Total	<0.005	<0.005	<0.005	0.1236	<0.005	<0.005	<0.005	<0.005	<0.005	0.0302	<0.005	

Notes:

- 1) Groundwater samples were obtained by the Shaw Environmental, Inc. during investigative activities (February 2, 2012 and February 7, 2013).
- 2) Groundwater samples were analyzed by First Environmental Laboratories, Inc., Naperville, Illinois.
- 3) Groundwater Remediation Objectives are taken from 35 IAC, Part 742, Tiered Approach to Corrective Action Objectives (TACO), Appendix B, Table E unless otherwise noted.
- 4) Bold and Red shaded value identifies result that exceeds the IEPA TACO Tier 1 Groundwater Remediation Objectives for that Contaminant of Concern.



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SUMMARY OF TACO R26 EQUATION INPUT PARAMETERS and SOLUTIONS

P.G. CLARK
5 WEST PALATINE ROAD
PALATINE, ILLINOIS

	Source Location ⁴										First order degradation constant (A) ⁵	GW Class I Objective (mg/L) ⁶
	F-1	F-3	F-4	F-6	B-3 (5-6')	B-7 (5-7')	B-12 (5-7')	MW-3	MW-4	MW-10		
R26 Input Parameters:												
Aquifer hydraulic conductivity (K, cm/sec) ¹	4.55E-06	4.55E-06	4.55E-06	4.55E-06	4.55E-06	4.55E-06	4.55E-06	4.55E-06	4.55E-06	4.55E-06	4.55E-06	4.55E-06
Hydraulic gradient (i, ft./ft.) ¹	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06	0.06
Total soil porosity (θ, unitless) ³	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36	0.36
Source width perpendicular to GW flow direction in horizontal plane (S _w , feet) ²	132	132	132	132	132	132	132	132	132	132	132	132
Source width perpendicular to GW flow direction in vertical plane (S _v , feet) ¹	6.56	6.56	6.56	6.56	6.56	6.56	6.56	6.56	6.56	6.56	6.56	6.56
Contaminants of Concern (mg/L) ⁷:												
Benzene	0.038	---	0.157	0.038	0.011	0.105	0.227	---	0.184	---	---	0.447
Ethylbenzene	---	---	---	---	---	---	---	---	---	---	---	0.7
Toluene	---	---	---	---	---	---	---	---	---	---	---	1
Xylene	---	---	---	---	---	---	---	---	---	---	---	10
MTBE	---	0.138	---	---	---	---	---	0.13	---	0.188	0.0722	0.07

	R26 Solution - Distance (X, in feet) from Source Location to Point-of-Compliance ⁷									
	F-1	F-3	F-4	F-6	B-3 (5-6')	B-7 (5-7')	B-12 (5-7')	MW-3	MW-4	MW-10
Contaminants of Concern (mg/L) ⁷:										
Benzene	6	---	2	6	2.5	9.5	13.5	---	12	16
Ethylbenzene	---	---	---	---	---	---	---	---	---	---
Toluene	---	---	---	---	---	---	---	---	---	---
Xylene	---	---	---	---	---	---	---	---	---	---
MTBE	---	95	---	---	---	---	---	89	---	130
Maximum X (in feet)	6	95	12	6	2.5	9.5	13.5	89	12	130

Notes:

1. Value is based on Site-specific information or taken from literature, i.e., groundwater level measurements and/or soil boring logs. Copies of pertinent backup data are attached.
2. Value is based on Site-specific measurements, representing the distance from monitoring well MW-1 to the center of the intersection of Palatine and Plum Grove Road.
3. Default value taken from 35 IAC 742, Tiered Approach for Corrective Action Objectives (TACO), Appendix C, Table D: RBGA Parameters.
4. Source Location refers to those project site locations where one or more of the Class I Groundwater Remediation Objectives was exceeded. Only contaminants whose objectives were exceeded were considered for this evaluation. *Italic* entry indicates TCLP laboratory method result or soil leachate concentration as predicted using soil-to-groundwater modeling (i.e., SSL Equation S17).
5. Chemical-specific value taken from TACO, Appendix C, Table E: Default Physical and Chemical Parameters.
6. Chemical-specific value taken from TACO, Appendix B, Table E: Tier 1 Groundwater Remediation Objectives (for Class I Groundwater).
7. RBGA Equation R26 was iteratively used to calculate the distance (X, in feet) where the contaminant's remediation objective is achieved. Copies of calculation spreadsheets are attached.

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Exhibit C

Proposed Highway Authority Agreement Area

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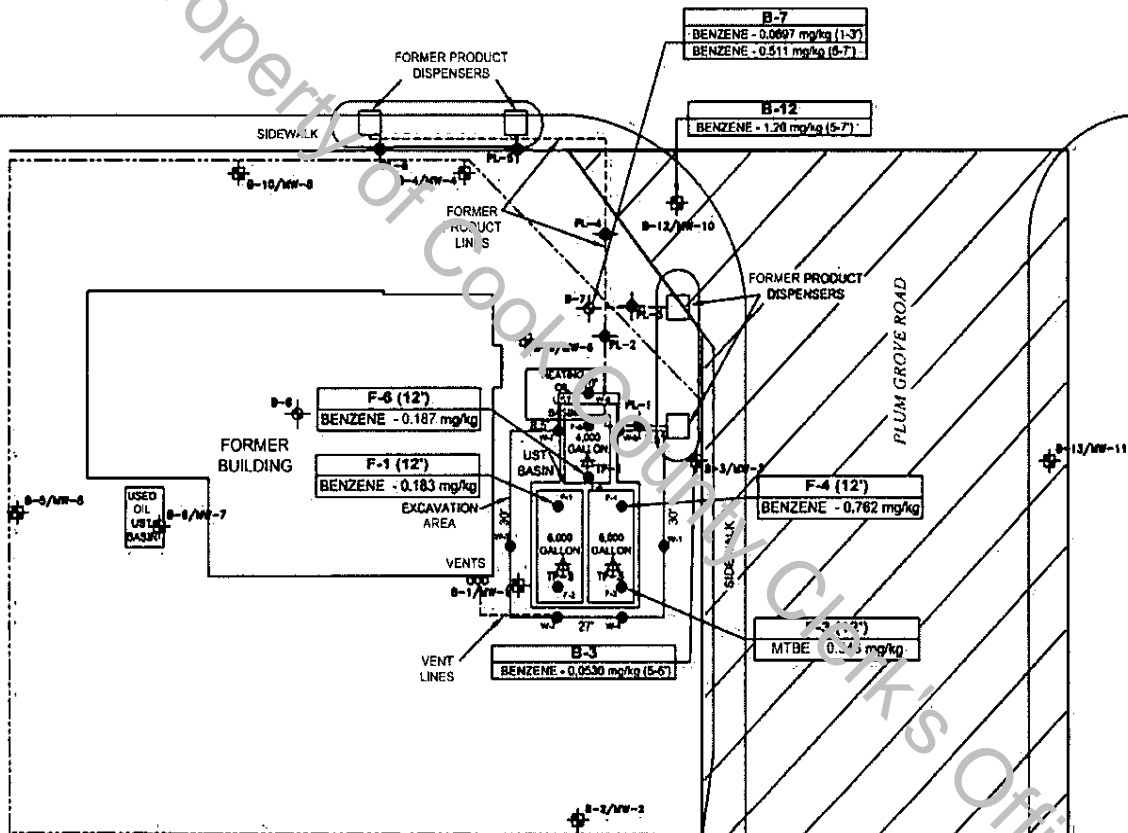
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GRAPHIC SCALE



PALATINE ROAD



LEGEND



PROPOSED VILLAGE OF PALATINE HIGHWAY AUTHORITY AGREEMENT AREA

FORMER P.G. CLARK GAS STATION
5 WEST PALATINE ROAD PALATINE, ILLINOIS

FIGURE 3
PROPOSED HIGHWAY AUTHORITY AGREEMENT AREAS



APPROVED BY: BMG PROJ. NO.: 143120 DATE: JUNE 2013

T:\AutoCAD\AUTOCAD 2008 PROJECTS\143120\SECRET\Figure 3 (01-2013) HIGHWAY AUTHORITY AGREEMENT AREAS.dwg