

SCHEDULE 4
TO JOINT ORDER ESCROW AGREEMENT

APPROVED PROJECT COSTS

Allowable Project Scope and Costs

The funds in the Joint Order Escrow Account will be used solely to reimburse the Purchaser for the following categories of environmental costs incurred by the Purchaser to perform the Remediation Work necessary to obtain a Final Comprehensive NFR Letter for the City Property as approved by the City subject to below noted conditions:

- 1) Proposed itemized remedial costs must be provided to the City prior to closing for approval by Department of Fleet and Facility Management (2FM) Bureau of Environmental Health and Safety (EHS). Closing is contingent upon approval of costs by 2FM.
- 2) Unless otherwise approved by the 2FM, all project scopes related to cost reimbursement requests must be included in an 2FM and Illinois Environmental Protection Agency (IEPA) approved Remedial Action Plan to meet Site Remediation Program (SRP), 35 Illinois Administrative Code (IAC) 740 or a Corrective Action Plan to meet Leaking Underground Storage Tank requirements (35 IAC 734). Additionally, only the following aspects of such pre-approved project scopes will be applicable for reimbursement:
 - a) Excavation, transportation, and disposal to remove "source material" pursuant to 35 IAC 742.305.
 - b) Excavation, transportation, and disposal for underground storage tank removal.
 - c) Installation of vapor barriers.
 - d) Installation of soil barriers to meet 35 IAC 742.1105, or otherwise IEPA approved modified soil barrier that may include the use of geotextiles.
 - e) Excavation, transportation, and disposal of soil (or other damaged or unsuitable surface covers) to facilitate installation of an appropriate engineered barrier, unless otherwise approved by 2FM.
 - f) Incremental costs for any development-related soil waste ("construction spoils") that requires offsite disposal to a Subtitle D landfill as a result of onsite contamination.
 - i) The incremental cost is defined as the difference between fees for clean construction or demolition debris fees (based on representative costs identified by 2FM) and fees for the Subtitle D landfill at which the contaminated construction spoils are disposed of, and
 - ii) "Construction spoils" shall be defined as any soil that requires removal in order to

execute the City-approved construction plan for the project.

g) Environmental consultant and or professional labor as it relates to environmental remedial actions.

h) SRP and/or Leaking Underground Storage Tank (LUST) fees.

3) Costs and fees that are exempt from reimbursement include:

a) Markup fees.

b) Excavation and transportation costs for "construction spoils" as defined in 2(f).

c) Construction costs to execute City-approved construction plan, including but not limited to building foundations (even if it serves as an engineered barrier), footers, utility trenches, installation of landscaped areas, recreational playgrounds etc.

d) Demolition of structures.

4) Invoices submitted to 2FM for reimbursement must be provided with a cover sheet that itemizes each cost. All costs that are approved by 2FM under Item (1) above must include the following details and backup at a minimum; 2FM reserves the right to request additional backup information or details to support submitted expenses:

a) Summary table presenting total cost by task for which reimbursement is being sought. Exempt costs and fees as discussed in item 3 above should be clearly identified; and shall be subtracted from the total request for reimbursement.

b) Unit costs and quantity by project task for all expenses incurred on project including:

i) Hourly billing rates and hours for the prime environmental consultant and any environmental subcontractors.

ii) Tonnage and unit price per ton for disposal and backfill invoices.

iii) Other costs units of equipment or disposables.

c) Receipts of paid invoices of "actual incurred project costs" by task and in a chronological order. Exempt costs and fees (defined in item 3) should be clearly marked in these receipts.

d) Backup narrative clearly identifying page number in PDF backup documents that identifies requirements as defined in (iii).

Any remaining funds will be released to the City upon completion of such Remediation Work.