

IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS
CHANCERY DIVISION

FILED

MAY 08 2015

KATHERINE M. KEEFE
McHENRY CTY. CIR. CLK.

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. LISA MADIGAN, Attorney)
General of the State Illinois,)
)
Plaintiff,)

v.)

No. 13 CH 1046

300 WEST LLC, an Illinois limited)
liability company, and THE ARNOLD)
ENGINEERING CO., an Illinois)
corporation,)
)

Defendants.)

NOTICE OF FILING

TO: Dennis G. Walsh, Esq.
Howard Jablecki, Esq.
Klein, Thorpe & Jenkins, Ltd
20 North Wacker Drive, Suite 1660
Chicago, Illinois 60606

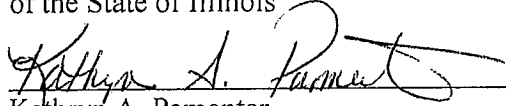
Jessica E. DeMonte, Esq.
Scott A. Kane, Esq.
Heather L. Sturtz, Esq.
Gary L. Pasheilich, Esq.
Squire Patton Boggs
Three First National Plaza
70 W. Madison Street, Suite 2015
Chicago, IL 60602

PLEASE TAKE NOTICE that on May 8, 2015, Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, filed with the McHenry County Circuit Court Clerk, the Second Agreed Modification to Second Agreed Preliminary Injunction Order, a true and correct copy of which is attached hereto and hereby served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN, Attorney General
of the State of Illinois

BY:


Kathryn A. Pament
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
(312) 814-0608

DATE: May 7, 2015

IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS
CHANCERY DIVISION

FILED

MAY 08 2015

KATHERINE M. KEEFE
McHENRY CTY. CIR. CLK.

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. LISA MADIGAN, Attorney)
General of the State Illinois,)

Plaintiff,)

v.)

No. 13 CH 1046

300 WEST LLC, an Illinois limited liability)
co: and THE ARNOLD ENGINEERING)
CO., an Illinois corporation,)

Defendants.)

**SECOND AGREED MODIFICATION TO SECOND AGREED PRELIMINARY
INJUNCTION ORDER**

1. On June 11, 2014, the Court entered a Second Agreed Preliminary Injunction Order with 300 West LLC ("300 West") and The Arnold Engineering Co. ("Arnold" and together with 300 West "the Defendants"), in which the Defendants agreed to certain compliance provisions ("Second Agreed Order").

2. On March 12, 2015, the First Agreed Modification to Second Agreed Preliminary Injunction Order was filed with the Court (the "First Agreed Modification").

3. Sections IV.10(b)(ii) and (iii) of the Second Agreed Order, as modified, are hereby deleted in their entirety and replaced with the following:

ii. ***On-Site Monitoring Well Sampling Deadlines.***

- 1) On or before March 27, 2015, the Defendants shall complete the installation of all monitoring wells, as depicted on Exhibit 1.
- 2) On or before April 8, 2015, the Defendants shall complete

sampling of all on-Site monitoring well locations, as depicted on Exhibit 1.

3) On or before April 15, 2015, the Defendants shall submit to Illinois EPA analytical results of samples for all on-Site monitoring well locations, as depicted on Exhibit 1.

4) On or before May 8, 2015, the Defendants shall submit to Illinois EPA via email (with hard copies to be submitted thereafter) an on-Site monitoring well letter report setting forth:

(aa) All raw analytical data presented in tabular format (The table should at a minimum include: sample location, depth of sample, most stringent remediation objective, analytical results, and any exceedance of the most stringent objective should be highlighted);

(bb) Figures which show the sampling locations with the location identifications (e.g. GW-1, GW-2); and

(cc) If necessary to delineate the nature and extent of on-Site contamination, a proposed plan with proposed locations for additional delineation of the nature and extent of contamination as well as a schedule for implementation.

5) If the Illinois EPA approves with conditions or disapproves of such on-Site monitoring well letter report, the Defendants shall, within fourteen (14) business days after receiving the Illinois EPA's written notice of such approval with conditions or disapproval, unless the Illinois EPA grants, in writing, a longer time period, submit a proposal to the Illinois EPA, that addresses all conditions or deficiencies identified by the Illinois EPA in its approval with conditions or disapproval.

iii. ***On-Site Soil Boring and Sampling Deadlines.***

1) On or before May 20, 2015, the Defendants shall complete all on-Site soil boring locations and all sampling at such locations, as depicted on Exhibit 1.

2) On or before June 17, 2015, the Defendants shall submit to Illinois EPA analytical results of samples for all on-Site

soil boring locations, as depicted on Exhibit 1.

3) On or before June 30, 2015, the Defendants shall submit to Illinois EPA via email (with hard copies to be submitted thereafter) an on-Site soil sampling letter report setting forth:

(aa) All raw analytical data presented in tabular format (The table should at a minimum include: sample location, depth of sample, most stringent remediation objective, analytical results, and any exceedance of the most stringent objective should be highlighted);

(bb) Figures which show the sampling locations with the location identifications (e.g. SP-1, SP-2); and

(cc) If necessary to delineate the nature and extent of on-Site contamination, a proposed plan with proposed locations for additional delineation of the nature and extent of contamination as well as a schedule for implementation.

5) If the Illinois EPA approves with conditions or disapproves of such on-Site soil sampling letter report, the Defendants shall, within fourteen (14) business days after receiving the Illinois EPA's written notice of such approval with conditions or disapproval, unless the Illinois EPA grants, in writing, a longer time period, submit a proposal to the Illinois EPA, that addresses all conditions or deficiencies identified by the Illinois EPA in its approval with conditions or disapproval.

4. This Second Agreed Modification to Second Agreed Preliminary Injunction Order is incorporated by reference in the Second Agreed Order that was entered by this Court on June 11, 2014, as modified by the First Agreed Modification filed on March 12, 2015.

5. Except as modified herein, all of the other provisions of the Second Agreed Order that was entered by this Court on June 11, 2014, as modified by the First Agreed Modification filed on March 12, 2015, remain in full force and effect.

6. This Second Agreed Modification to Second Agreed Preliminary Injunction Order may be executed by the parties in one or more counterparts, all of which taken together, shall constitute one and the same instrument.

[Remainder of Page Blank; Text Continues on Page 5]

AGREED:

FOR THE PLAINTIFF:

PEOPLE OF THE STATE OF ILLINOIS
ex rel. LISA MADIGAN
Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

BY: _____

Elizabeth Wallace
ELIZABETH WALLACE, Chief
Assistant Attorney General
Environmental Bureau

DATE: _____

5/7/15

FOR THE DEFENDANTS:

300 WEST LLC, an Illinois limited liability
company

BY: _____

Its: _____

DATE: _____

THE ARNOLD ENGINEERING CO., an
Illinois corporation

BY: _____

Its: _____

DATE: _____

AGREED:

FOR THE PLAINTIFF:

PEOPLE OF THE STATE OF ILLINOIS
ex rel. LISA MADIGAN
Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

BY: _____

ELIZABETH WALLACE, Chief
Assistant Attorney General
Environmental Bureau

DATE: _____

FOR THE DEFENDANTS:

300 WEST LLC, an Illinois limited liability
company

BY: _____

Its: _____

DATE: _____

THE ARNOLD ENGINEERING CO., an
Illinois corporation

BY: _____

Its: _____

DATE: _____

AGREED:

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PEOPLE OF THE STATE OF ILLINOIS
ex rel. LISA MADIGAN
Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

BY: _____
ELIZABETH WALLACE, Chief
Assistant Attorney General
Environmental Bureau

DATE: _____

FOR THE DEFENDANTS:

300 WEST LLC, an Illinois limited liability
company

BY: _____

Its: _____

DATE: _____

THE ARNOLD ENGINEERING CO., an
Illinois corporation

BY: _____

Its: Attorney to Arnold Engineering Co.

DATE: 5/7/2015

EXHIBIT 1

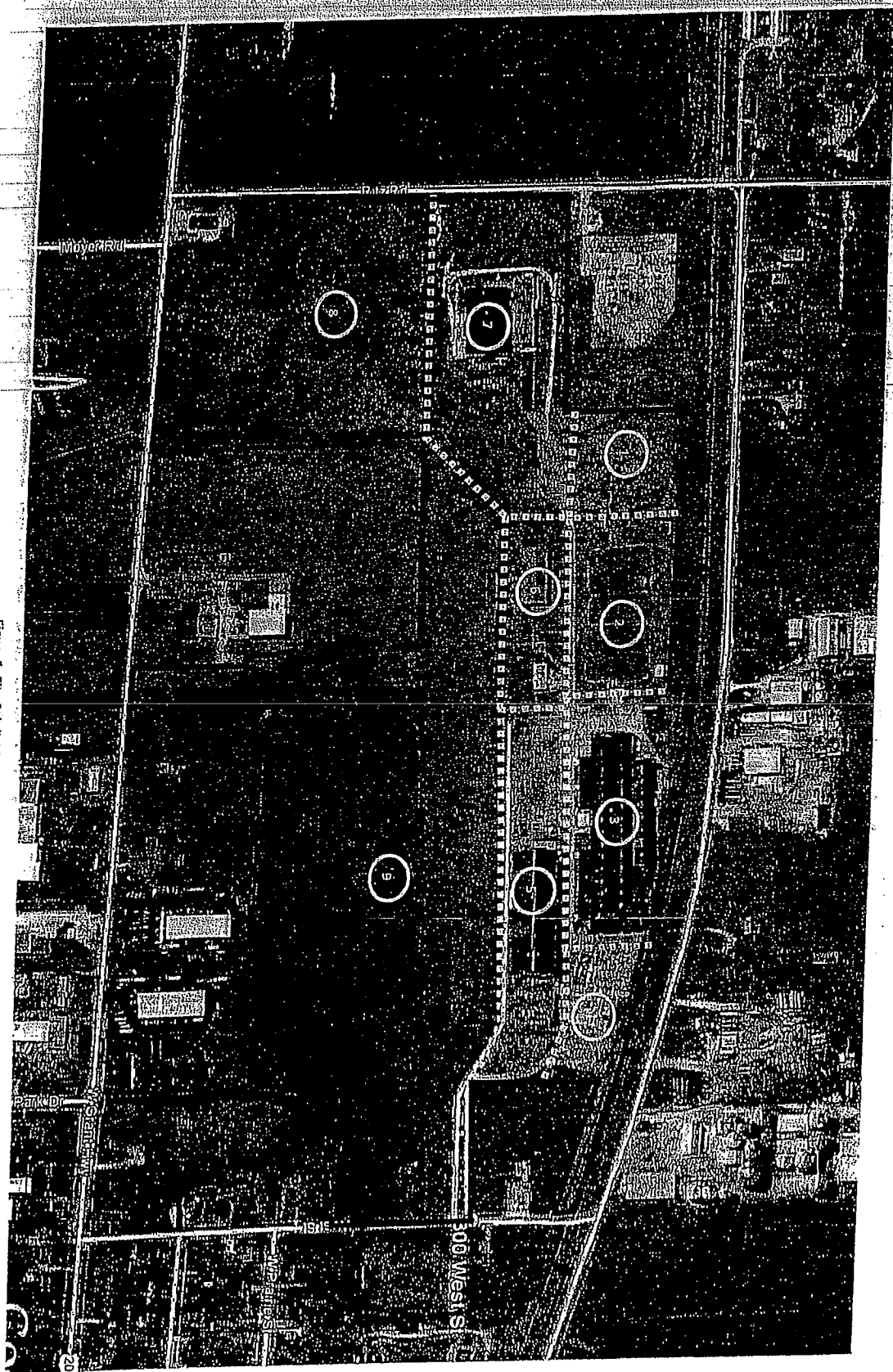
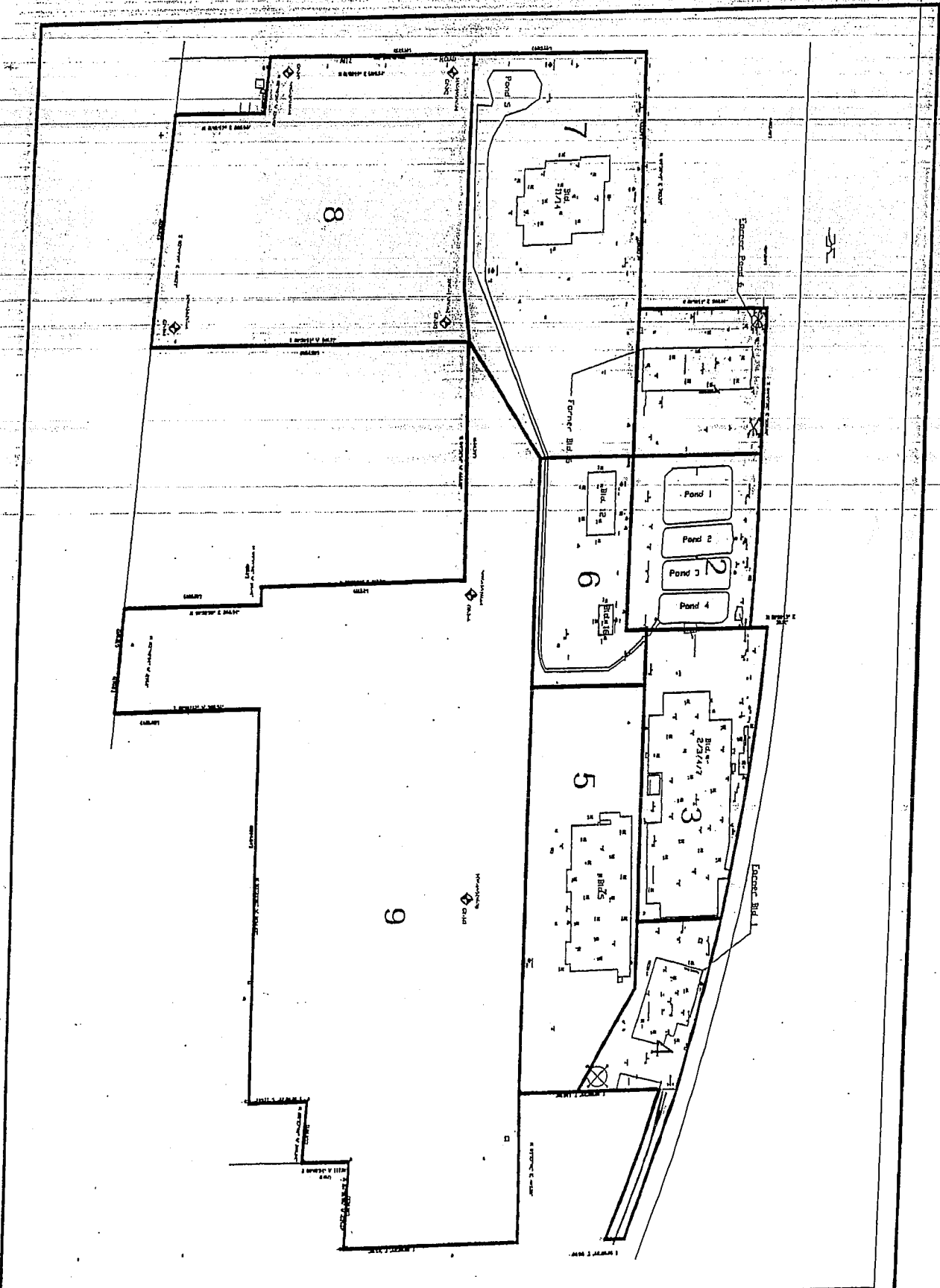


Figure 1: Site Subdivisions



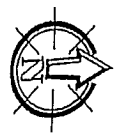
egsl
 ENVIRONMENTAL GROUP
 555 W. Park Street
 Suite 201
 Chicago, IL 60607

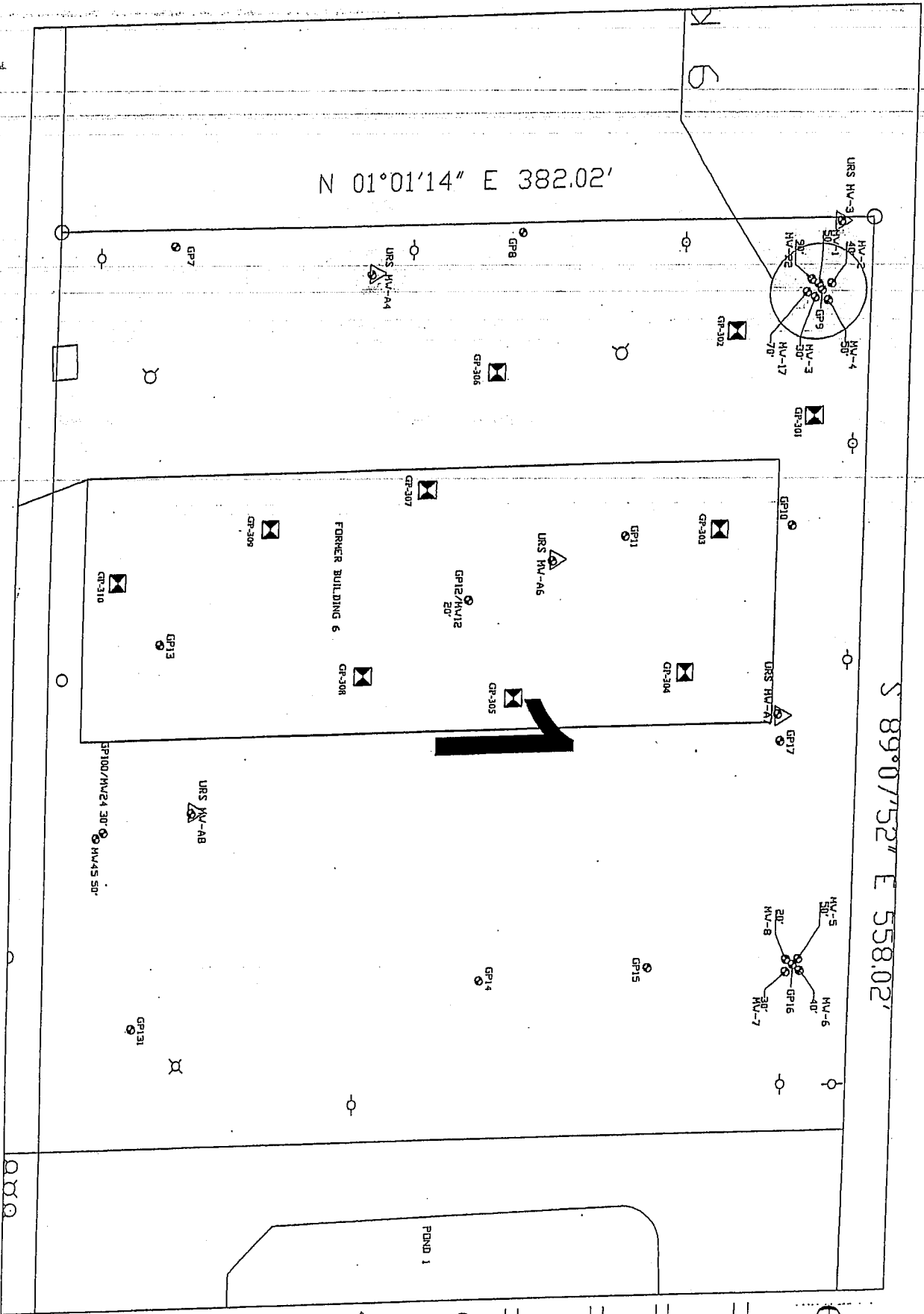
Subject Property:
 300 N. West Street
 Marengo, Illinois

EGSL Project Number:
 805247

Drawing Title:
 Figure 2

Graphic Scale
 0 250
 1" = 250'





egsl
 ENVIRONMENTAL GROUP
 SERVICES LIMITED
 300 N. West Street
 Marengo, Illinois
 Chicago, IL 60407

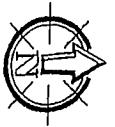
Subject Property:
 300 N. West Street
 Marengo, Illinois

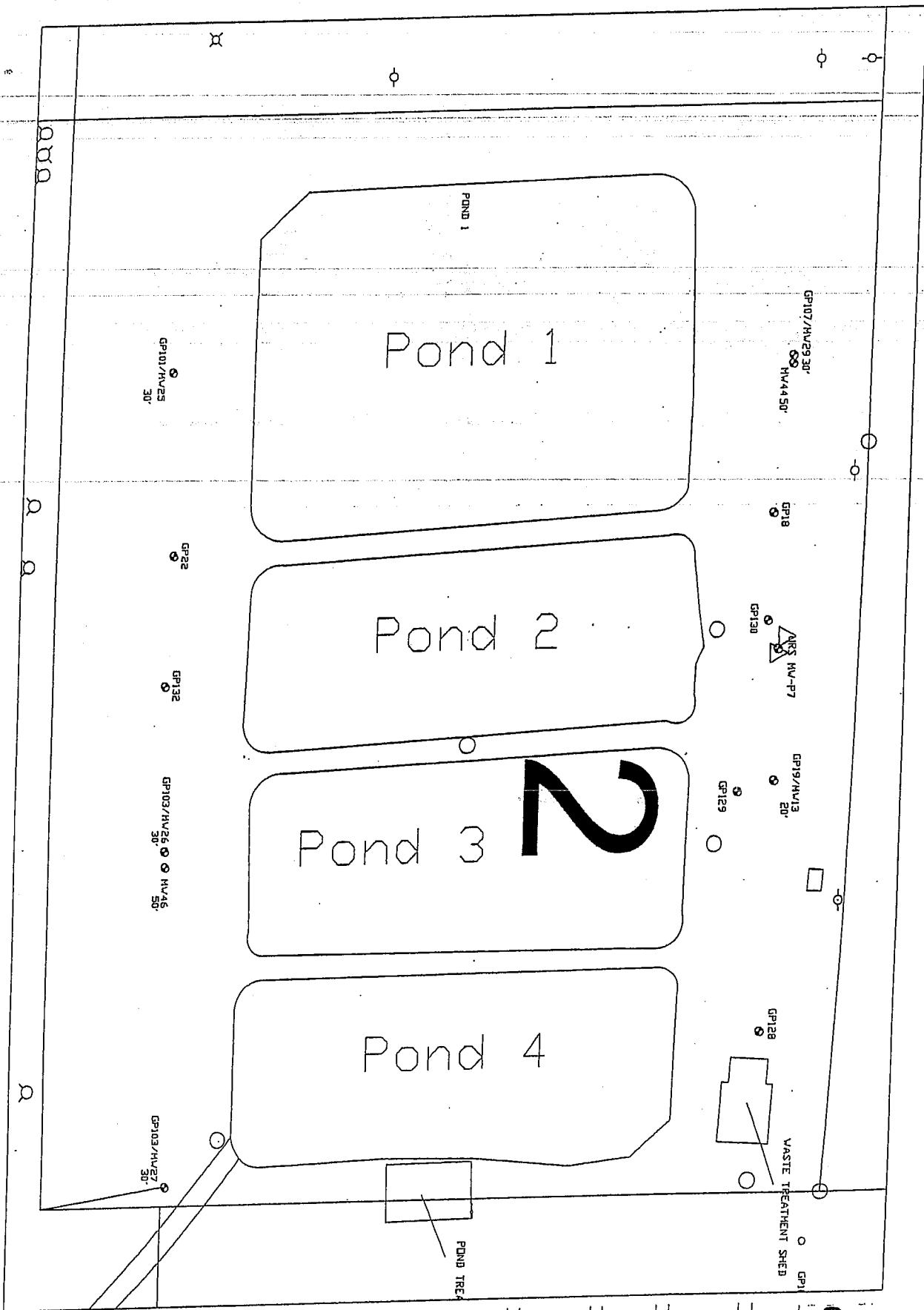
EGSL Project Number:
 805247

Drawing Title:
 Figure 2.1
 Subdivision 1

- Previous Soil Boring (GP) and/or Monitoring Well (MW)
- Proposed Soil Boring (soil only)
- Proposed Cluster Walls (with soil analysis)
- 10 Soil Boring Locations (GP-301, GP-310)
- 0 Monitoring Well Locations

Graphic Scale
 0 40
 1" = 40'





357 W. Lake Street
Suite 201
Chicago, IL 60607

Subject Property:
300 N. West Street
Marengo, Illinois

EGSL Project Number:
805247

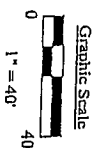
Drawing Title:
Figure 2.2
Subdivision 2

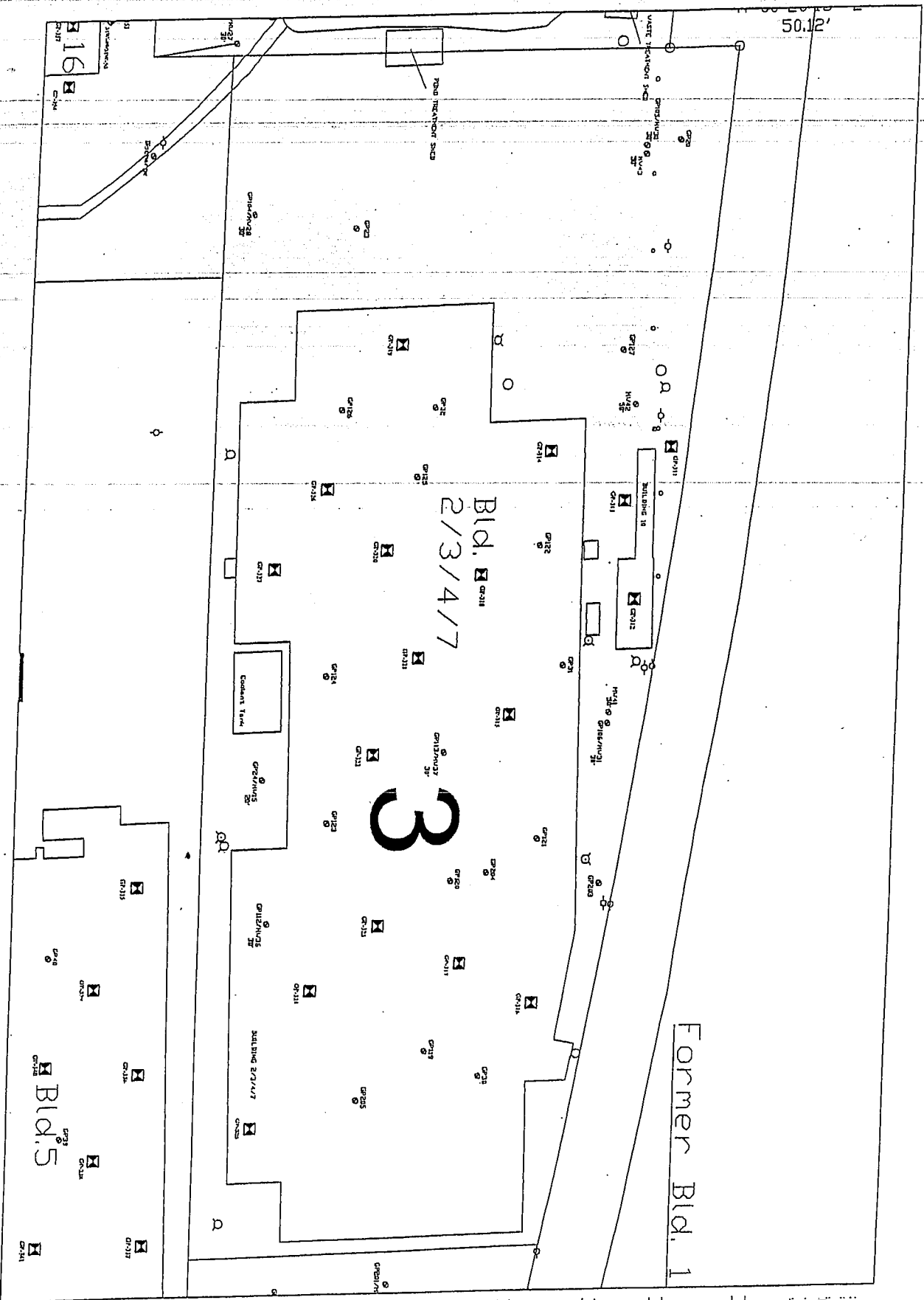
Previous Soil Boring (GP)
and/or
Previous Monitoring Well (MW)

Proposed Soil Boring
(soil only)

Proposed Cluster Wells
(with soil analysis)

0 Soil Boring Locations
0 Monitoring Well Locations





557 W. Park Street
Suite 201
Chicago, IL 60607

Subject Property:
300 N. West Street
Marengo, Illinois

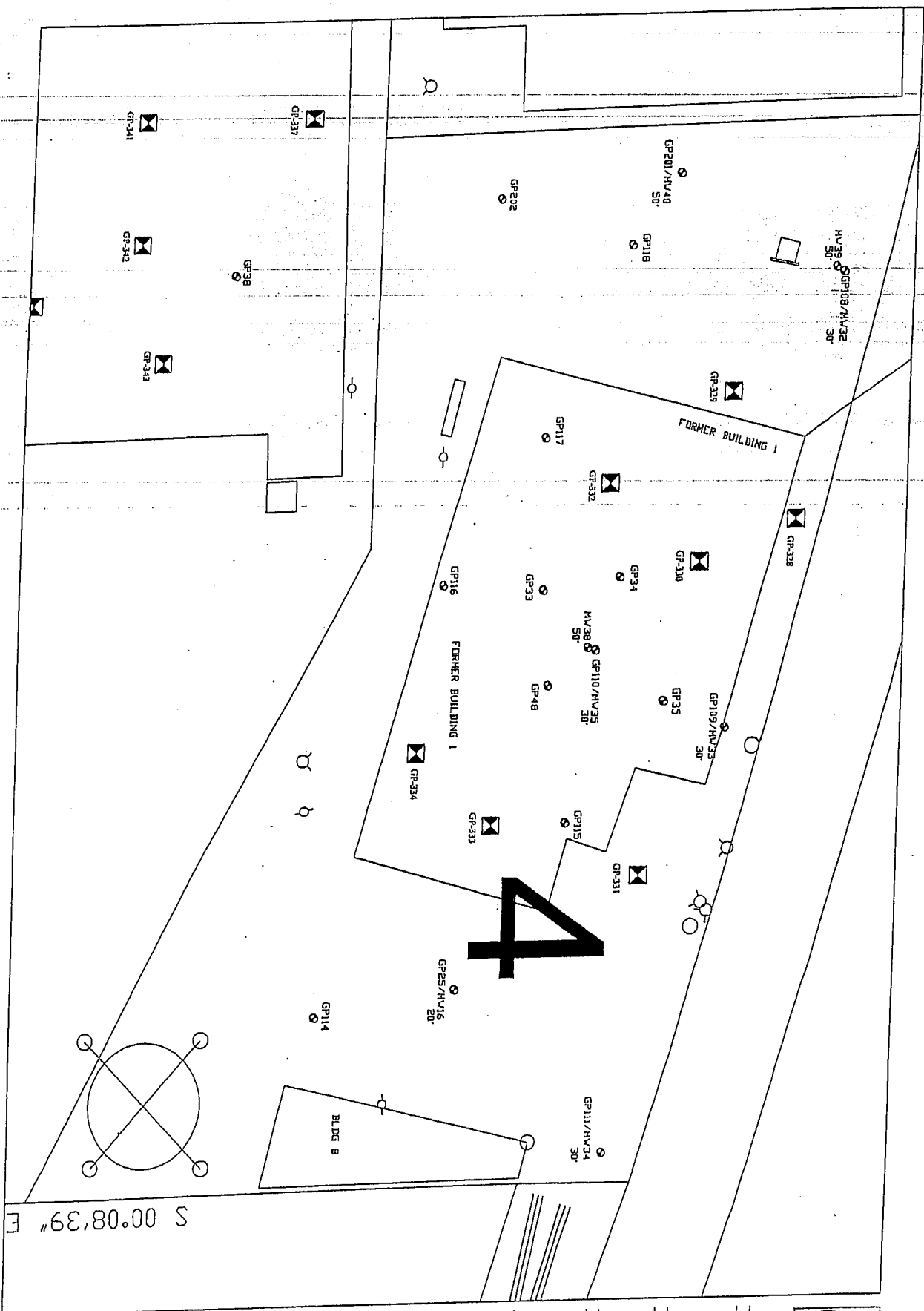
EGSI Project Number:
805247

Drawing Title:
Figure 2.3
Subdivision 3

-  Previous Soil Boring (GP) and/or Previous Monitoring Well (MW)
-  Proposed Soil Boring (soil only)
-  Proposed Cluster Wells (with soil analysis)
-  17 Soil Boring Locations (GP-311...GP-327)
-  0 Monitoring Well Locations

Graphic Scale
0 60
1" = 60'



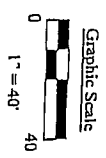


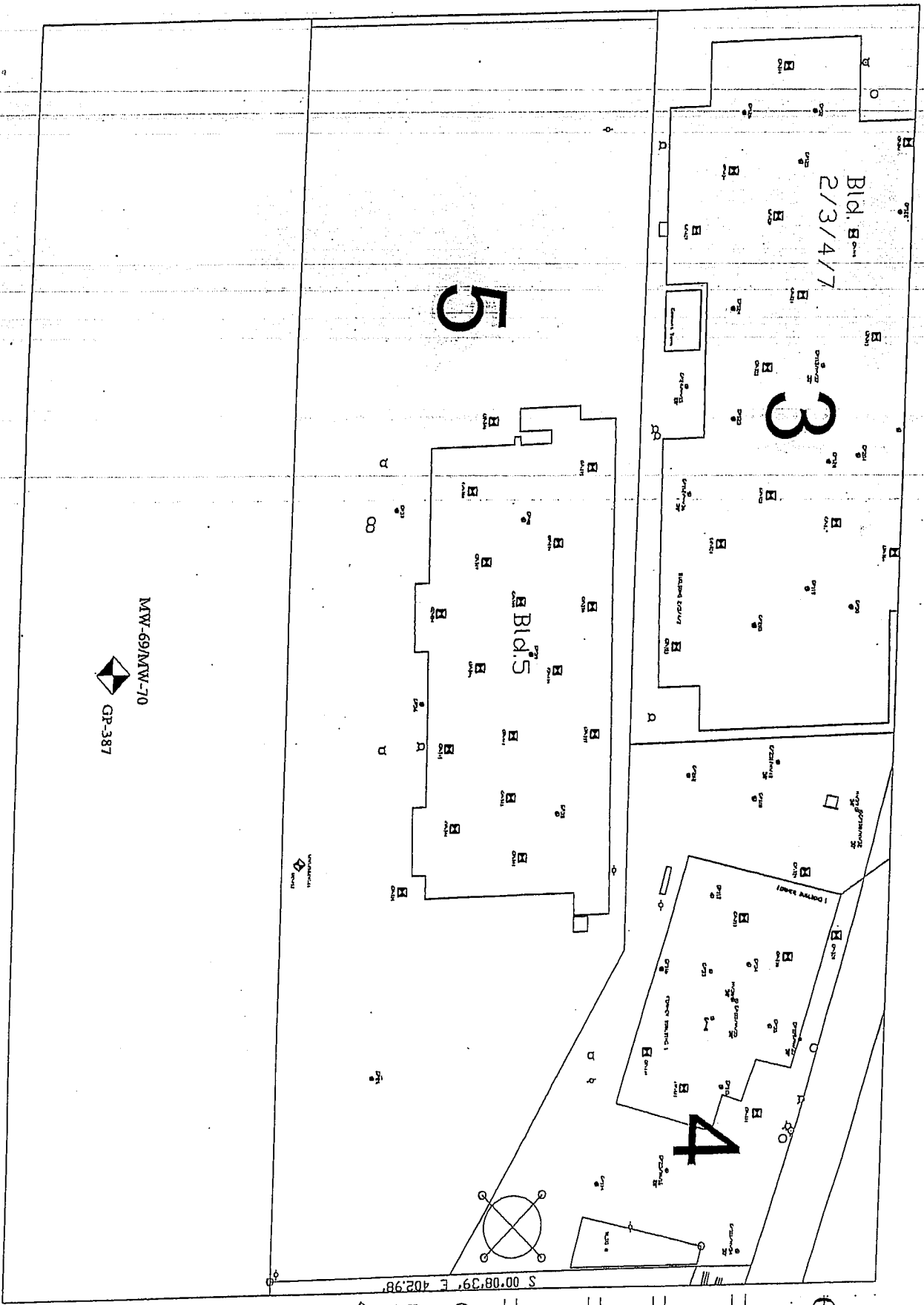
Subject Property:
300 N. West Street
Marengo, Illinois

EGSL Project Number:
805247

Drawing Title:
Figure 2.4
Subdivision 4

- Previous Soil Boring (GP) and/or Previous Monitoring Well (MW)
- Proposed Soil Boring (soil only)
- Proposed Cluster Wells (with soil analysis)
- 7 Soil Boring Locations (GP 328, GP 334)
- 0 Monitoring Well Locations





MW-69/MW-70
 GP-387

egsl
 ENVIRONMENTAL GROUP
 555 N. Park Street
 Suite 200
 Chicago, IL 60611

Subject Property:
 300 N. West Street
 Marango, Illinois

EGSL Project Number:
 805247

Drawing Title:
 Figure 2.5
 Subdivision 5

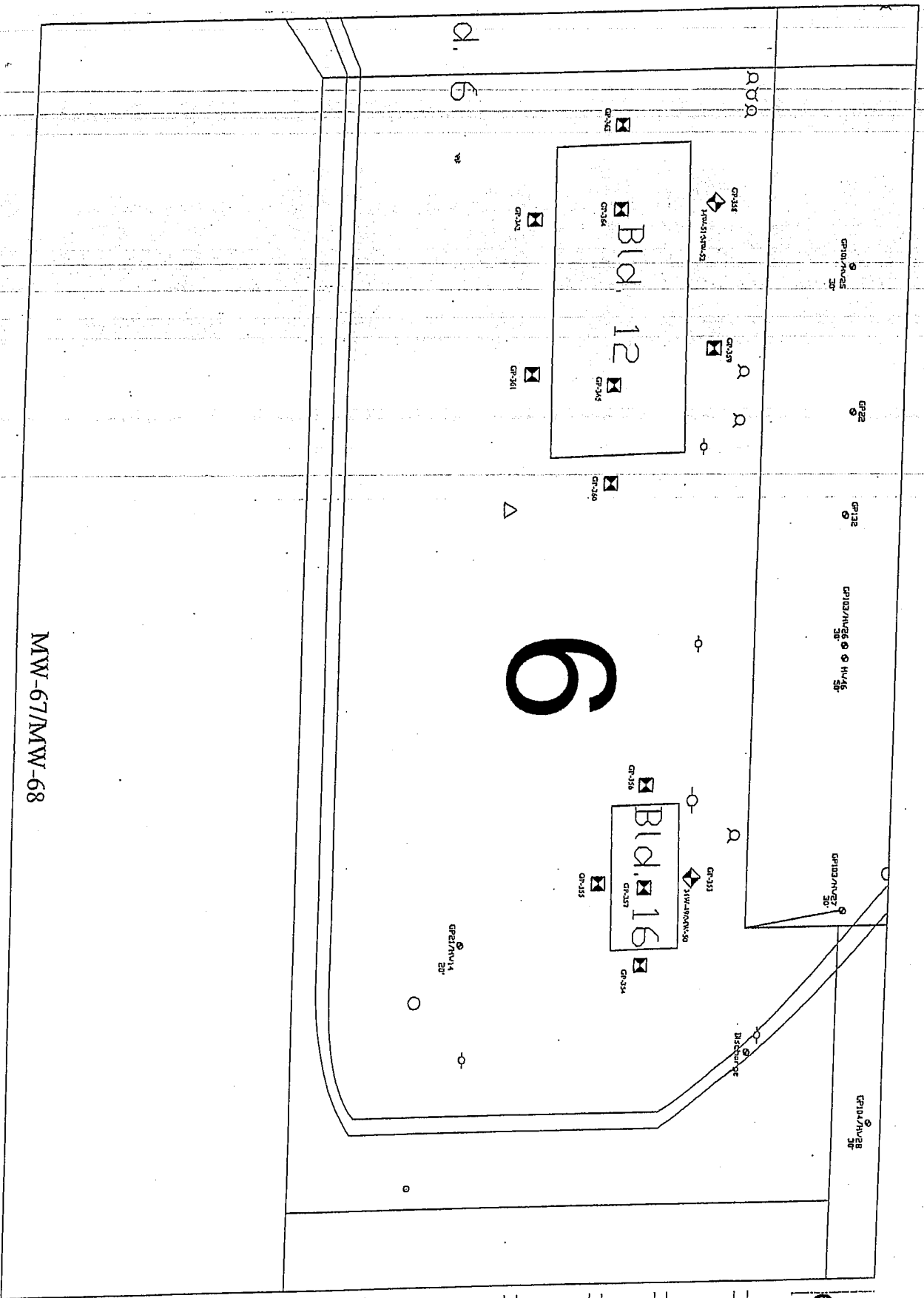
- Previous Soil Boring (GP) and/or Previous Monitoring Well (MW)
- Proposed Soil Boring (soil only)
- Proposed Cluster Wells (with soil analysis)

18 Soil Boring Locations
 (GP-335, GP-352)
2 Groundwater Wells
 (MW-47, MW-48)

Graphic Scale

 0 40 80
 1" = 80'





MW-67/MW-68



300 N. West Street
Marengo, Illinois 60524

Subject Property:
300 N. West Street
Marengo, Illinois

EGSL Project Number:
805247

Drawing Title:
Figure 2.6
Subdivision 6

Previous Soil Boring (GP) and/or Previous Monitoring Well (MW)

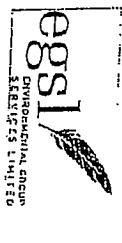
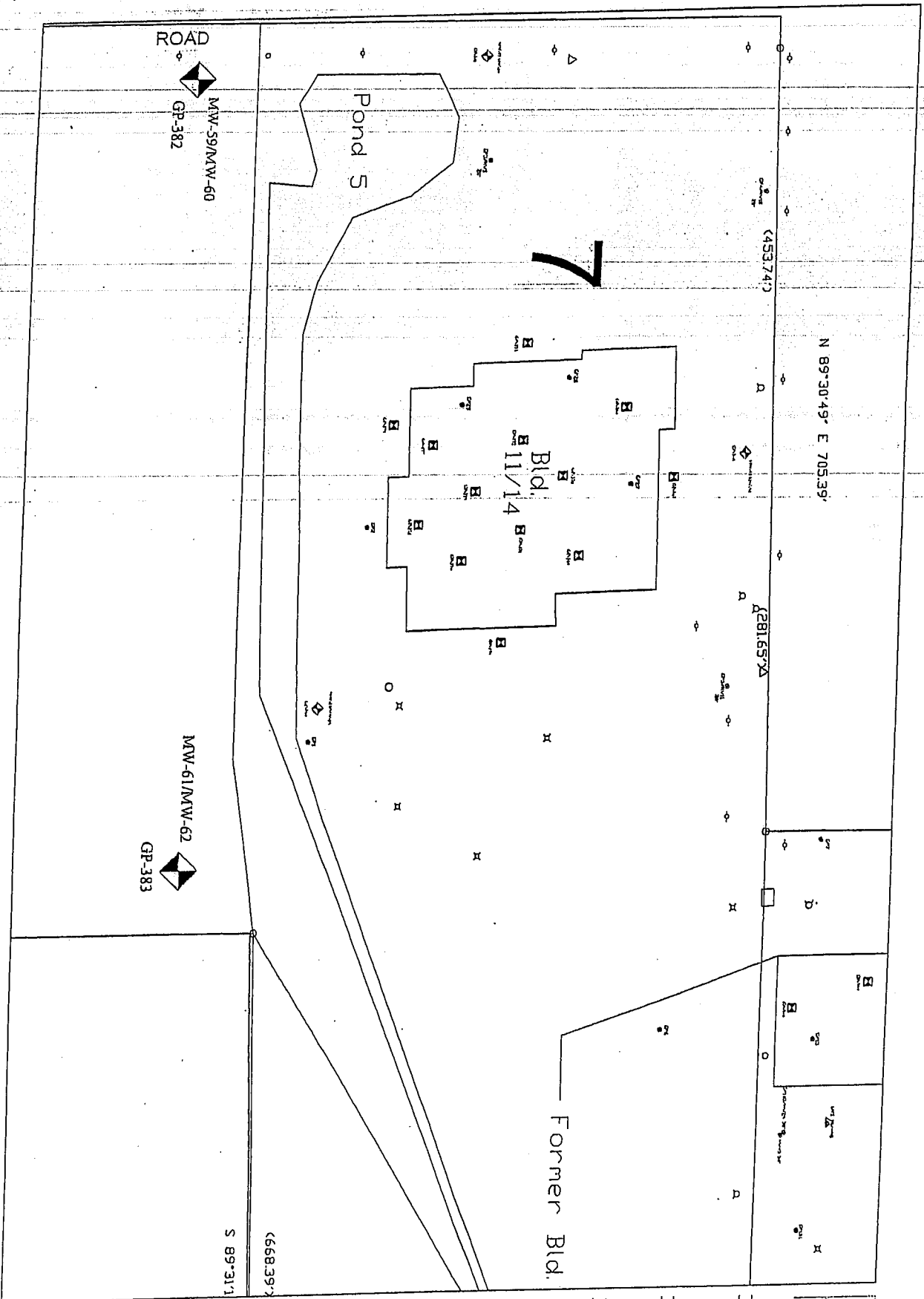
Proposed Soil Boring (soil only)

Proposed Cluster Walls (with soil analysis)

13 Soil Boring Locations
(GP-353...GP-365)
4 Groundwater Wells
(MW-49...MW-52)

Graphic Scale
0 20 40
1" = 40'





Subject Property:
300 N. West Street
Marengo, Illinois

EGSL Project Number:
805247

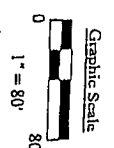
Drawing Title:
Figure 2.7
Subdivision 7

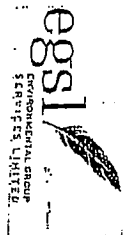
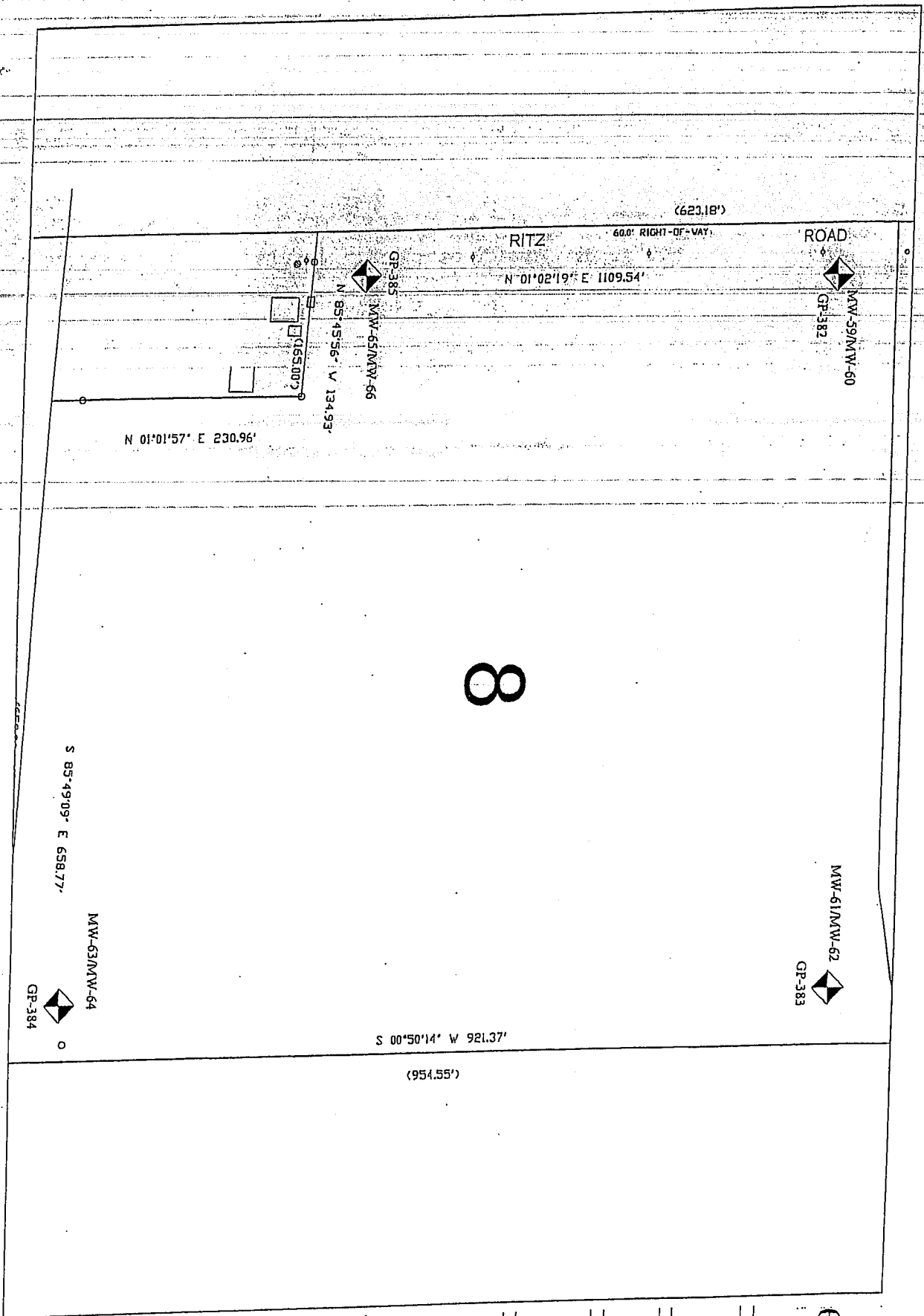
Previous Soil Boring (GP)
and/or
Previous Monitoring Well (MW)

Proposed Soil Boring
(soil only)

Proposed Cluster Wells
(with soil analysis)

16 Soil Boring Locations
(GP-366, GP-381)
3 Groundwater Wells
(MW-53, MW-58)





Subject Property:
300 N. West Street
Marengo, Illinois

EGSL Project Number
805247

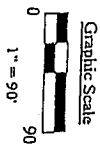
Drawing Title:
Figure 2.8
Subdivision 8

Previous Soil Boring (GP)
and/or
Previous Monitoring Well (MW)

Proposed Soil Boring
(soil only)

Proposed Cluster Wells
(with soil analysis)

4 Soil Boring Locations
(GP-382, GP-383)
8 Groundwater Wells
(MW-59, MW-66)



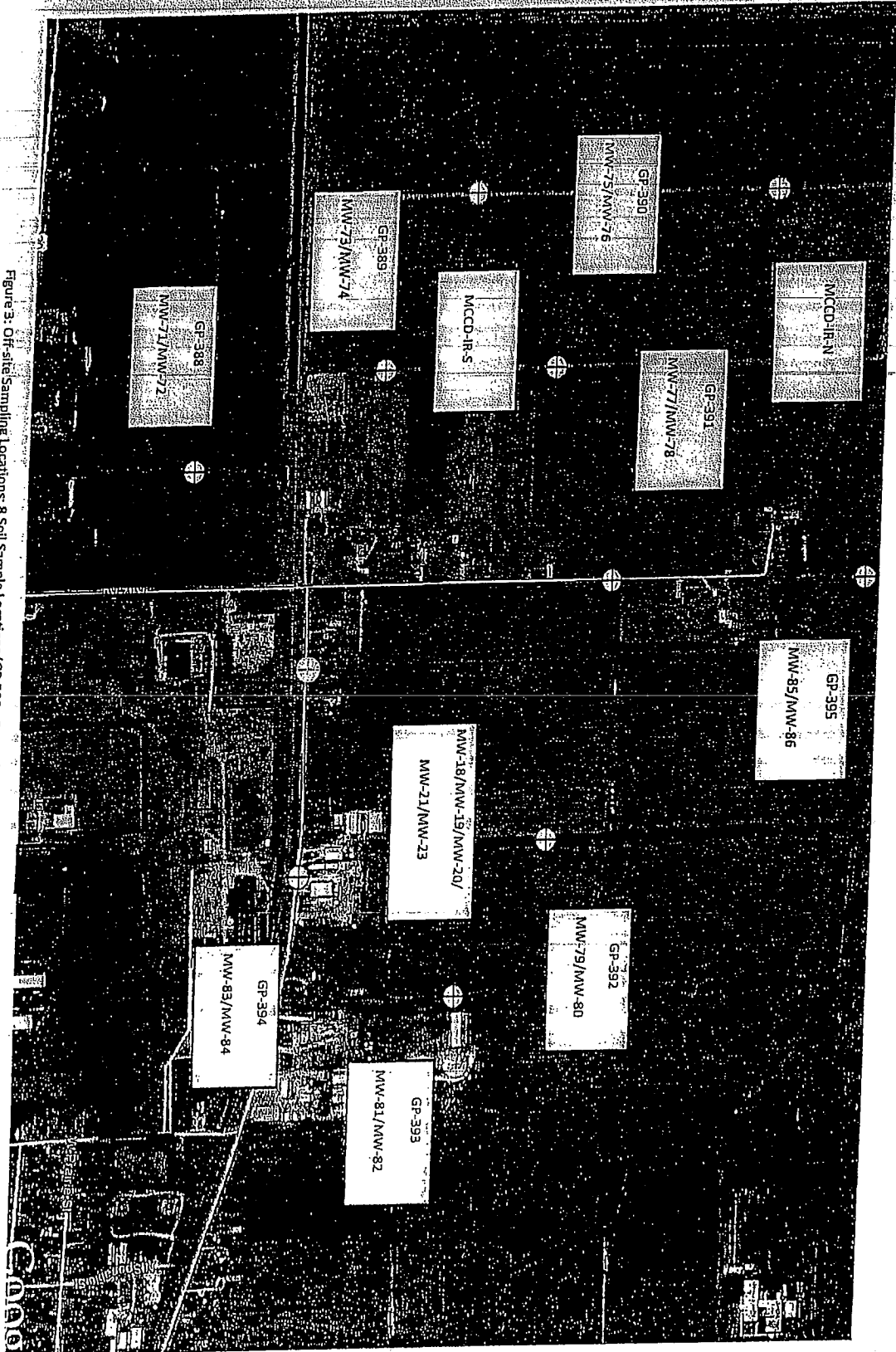


Figure 3: Off-site sampling locations: 8 Soil Sample Locations (GP-388, GP-395) and 23 total groundwater samples (identified below)

- ⊕ Cluster wells: 30 ft well screened from 20-30ft + 50 ft well screened from 40-50ft: (8 clusters x 2 depths = 16 GW samples). Soil samples will also be collected from these areas (8 locations x 2 sample depths = 16 soil samples)
- ⊕ McHenry County Conservation District Well (2 irrigation wells sampled on 12/23. Estimated depth is 55-60 feet. 3 monitoring wells sampled on 12/23 (near southern irrigation well). Estimated depths are 12 feet)
- ⊕ Previously installed nested well location: (5 total wells, currently present)

CERTIFICATE OF SERVICE

I, KATHRYN A. PAMENTER, an Assistant Attorney General, do certify that I caused to be served this 7th day of May, 2015, the attached Notice of Filing and Second Agreed Modification to Second Agreed Preliminary Injunction Order upon the parties set forth on the Notice of Filing by placing a true and correct copy in an envelope addressed as set forth on said Notice of Filing, first class postage prepaid, and depositing same with the United States Postal Service at 100 West Randolph Street, Chicago, Illinois, at or before the hour of 5:00 p.m.


Kathryn A. Pamenter