

SCHEDULE 4
TO JOINT ORDER ESCROW AGREEMENT

APPROVED PROJECT COSTS

The funds in the Escrow Account will be used solely to reimburse the Developer for the following categories of environmental costs incurred by the Developer in the performance of the Remediation Work at the City Property:

1. Excavation, transportation and disposal of soils exceeding TACO 35 IAC 742.305 "source material" as set forth in the Remedial Action Plan (the "RAP") approved by the IEPA, but not including soil removal required for routine construction;
2. Import and compaction of CA-6 or clean soil to backfill soil area contaminated with soils exceeding TACO 35 IAC 742.305 "source material" in accordance with the approved RAP;
3. Incremental costs for disposal of the construction spoils, defined as the difference between tipping fees for clean construction or demolition debris and tipping fees for special waste;
4. Environmental consultant costs and SRP fees;
5. Installation of vapor barriers, geotextile and soil barriers to the extent required by the approved RAP; and
6. UST removal in accordance with Section 22 of the RDA.

Such environmental costs must be based on the Developer's actual costs, verified by actual receipts, with no markup by the Developer for these costs. Such receipts must include hourly billing rates for the prime environmental consultant and any environmental subcontractors, as proposed by the Developer and approved by the City, which approval shall not be unreasonably withheld, conditioned, or delayed.