



VILLAGE OF ORLAND PARK

14700 Ravinia Avenue
Orland Park, IL 60462
www.orlandpark.org

Meeting Agenda

Committee of the Whole

Village President Keith Pekau

Village Clerk John C. Mehalek

Trustees, Kathleen M. Fenton, James V. Dodge, Jr., Daniel T. Calandriello,

William R. Healy, Cynthia Nelson Katsenes, and Michael R. Milani

Monday, March 2, 2020

6:00 PM

Village Hall

A. CALL TO ORDER/ROLL CALL

B. APPROVAL OF MINUTES

2020-0172 Approval of the February 17, 2020 Committee of the Whole Minutes

Attachments: [Draft Minutes](#)

C. ITEMS FOR SEPARATE ACTION

1. **2020-0170** Review Revised Ethics Policy and Discussion - Recommended Ordinance

Attachments: [Ordinance](#)
[Ad Hoc Ethics Recommendation](#)

2. **2020-0173** Trustee Initiative - Andrew Corporation Site Environmental Status

Attachments: [NFR Letter-Recorded](#)
[Orland Park Residential Letter for IEPA](#)
[Pages from RACR Reduced](#)
[Trustee Milani Initiative](#)

D. NON-SCHEDULED CITIZENS & VISITORS

E. ADJOURNMENT

DATE: March 2, 2020

REQUEST FOR ACTION REPORT

File Number:	2020-0172
Orig. Department:	Village Clerk
File Name:	Approval of the February 17, 2020 Committee of the Whole Minutes

BACKGROUND:

BUDGET IMPACT:

REQUESTED ACTION:

I move to approve the Minutes of the Regular Meeting of the Committee of the Whole of February 17, 2020.

VILLAGE OF ORLAND PARK

14700 Ravinia Avenue
Orland Park, IL 60462
www.orlandpark.org



Meeting Minutes

Monday, February 17, 2020

6:00 PM

Village Hall

Committee of the Whole

Village President Keith Pekau

Village Clerk John C. Mehalek

*Trustees, Kathleen M. Fenton, James V. Dodge, Jr., Daniel T. Calandriello,
William R. Healy, Cynthia Nelson Katsenes, and Michael R. Milani*

CALL TO ORDER/ROLL CALL

The meeting was called to order at 6:00 P.M.

Present: 8 - President Pekau; Village Clerk Mehalek; Trustee Fenton; Trustee Dodge; Trustee Calandriello; Trustee Healy; Trustee Nelson Katsenes and Trustee Milani

APPROVAL OF MINUTES

2020-0040 Approval of the January 6, 2020 Committee of the Whole Minutes

I move to approve the Minutes of the Regular Meeting of the Committee of the Whole of January 6, 2020.

A motion was made by Trustee Fenton, seconded by Trustee Healy, that this matter be APPROVED. The motion carried by the following vote:

Aye: 7 - President Pekau, Village Clerk Mehalek, Trustee Fenton, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, and Trustee Milani

Nay: 0

Abstain: 1 - Trustee Dodge

ITEMS FOR SEPARATE ACTION

2020-0089 An ordinance amending Title 8, Chapter 6 of the Orland Park Village Code in regard to Drug Paraphernalia and Recreational Cannabis - Recommended Ordinance

Police Chief Timothy McCarthy reported that the police department is seeking to amend Title 8, Chapter 6, of the Orland Park Village Code, Drug Paraphernalia and Recreational Cannabis to include a new section, 8-6-7-4: EXCEPTION FOR CANNABIS and to amend 8-6-9-3: EXCEPTION to allow for the possession of paraphernalia or cannabis as outlined in the Cannabis Regulation and Tax act 410 ILCS 705/1, et seq., or the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1, et seq.

Trustee Dodge had a question regarding this matter. (refer to audio file)

Chief McCarthy responded to Trustee Dodge's question. (refer to audio file)

Trustee Milani had a comment regarding this matter. (refer to audio file)

I move to recommend to the Village Board to pass an Ordinance entitled: AN ORDINANCE AMENDING TITLE 8, CHAPTER 6, OF THE ORLAND PARK VILLAGE CODE IN REGARD TO DRUG PARAPHERNALIA AND RECREATIONAL CANNABIS.

A motion was made by Trustee Dodge, seconded by Trustee Healy, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion carried by the following vote:

Aye: 7 - President Pekau, Village Clerk Mehalek, Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, and Trustee Nelson Katsenes

Nay: 1 - Trustee Milani

2020-0090 143rd Street, Jurisdictional Transfer from Will-Cook Road to Wolf Road - Discussion

Director of Programs and Engineering Services Khurshid Hoda reported that the Village, its engineering staff, and its engineering consultants have been working to secure construction funding for the widening/improvements of the 143rd Street project for over a decade. The 143rd Street project includes widening and improving the roadway from Southwest Highway to Will-Cook Road from two-lanes (one lane each direction) to five-lanes (two lanes each direction with a center turn lane). The Village has received some funds for engineering studies, but has not received any federal or state funds for construction. The following is a list of efforts that the staff has previously initiated to acquire construction funds:

-Federal TIGER Grants, now known as BUILD grant. The staff will again apply for this grant later this year when the applications open.

-Surface Transportation Program (STP) funds, federal transportation funds administered by Illinois Department of Transportation (IDOT) and managed by Chicago Metropolitan Agency for Planning (CMAP) and Southwest Conference of Mayors (SCM)

-Multiple requests over several years by staff to IDOT to include our project in their Multi-Year Program (MYP). The MYP is a five-year program which is used by IDOT to identify transportation projects throughout the state. Inclusion in the MYP guarantees the availability of construction funds by IDOT. Staff proactively reached out to IDOT last year in an attempt to get the 143rd Street project included in the 2020-2025 MYP, but IDOT indicated that they are unable to include the Village's project in the current program.

Earlier this year, staff learned that IDOT has a program where they give a higher priority for construction funding if a municipality is willing to take ownership of an unmarked section of a state highway. For the 143rd Street project, the roadway section between Will-Cook Road and Wolf Road is an unmarked state highway (refer to the attached map). Staff confirmed with IDOT officials that if the Village makes an official request for jurisdictional transfer, IDOT will consider assigning a higher priority for construction funding.

The Village has completed Phase I and Phase II (90%) engineering studies for the Will-Cook Road to Wolf Road section. This section of the project is as close to a

“shovel ready” project as possible. The estimated construction cost is \$14M.

The following are the typical steps for a jurisdictional transfer:

1. The Village sends a letter to IDOT indicating its willingness to accept a jurisdictional transfer from Will-Cook Road to Wolf Road, provided that the funding for the improvement is allocated.
2. IDOT reviews and accepts the offer letter and assigns a higher construction funding priority for the project.
3. IDOT allocates funds for the project. This step can be handled in one of two different ways, as detailed below. In either scenario, the Village is responsible for paying ineligible items such as some traffic signals, landscaping, project enhancements, and other items which may be identified by IDOT.
 - a. IDOT builds the road at its expense and using its resources. This may be a slightly lengthier construction process due to IDOT’s internal procedures. However, the advantage is IDOT is responsible for all cost overruns and addressing any unknown conditions during construction.
 - b. IDOT provides the estimated construction cost as a lump sum amount to the Village and the Village builds the road using its resources. This may be a quicker way to start and complete the roadway construction process. However, possible challenges with this approach are how to handle, and who pays for, construction cost overruns and unknown conditions uncovered during construction.
4. IDOT and the Village execute an agreement for construction completion and jurisdictional transfer.
5. IDOT or the Village complete roadway construction (based upon 3a or 3b above).
6. After construction completion, the Village takes ownership of the improved roadway and responsibility for maintenance and reconstruction in perpetuity. If IDOT and the Village agree on the 3b approach (above), IDOT may require that the jurisdictional transfer be completed when they transfer construction funds to the Village.

Based on the above discussion, staff believes that the jurisdictional transfer is the best approach to complete 143rd from Will-Cook Road to Wolf Road. A similar approach may be applied, with IDOT’s approvals, at a later date for the Wolf Road to Southwest Highway section. However, this section is a marked highway which will require other changes, including realigning and re-signing Route 7 before a jurisdictional transfer request can be made.

Therefore, staff is recommending that the Village send a letter to IDOT indicating its willingness to accept a jurisdictional transfer for 143rd Street from Will-Cook Road to Wolf Road section, provided an acceptable timeline and cost can be negotiated.

Mayor Pekau, Trustee Healy, Trustee Dodge and Trustee Fenton had comments and questions regarding this matter. (refer to audio file)

Director Hoda responded to their comments and questions. (refer to audio file)

Staff is requesting consensus to begin the jurisdictional transfer process by sending IDOT a letter indicating the Village's willingness to accept a jurisdictional transfer of 143rd Street from Will Cook Road to Wolf Road along 143rd Street.

A motion is not needed for this request. The staff will come back to the Committee of the Whole and to the Board of Trustees when IDOT allocates funds for the project and is ready to negotiate and execute a jurisdictional transfer agreement.

This item was for discussion only. NO ACTION was required.

2020-0119 151st Street from West Avenue to Ravinia - Overhead Utility Lines Burial Discussion

Senior Project Engineer Sean Marquez reported that during the preliminary design of the 151st Street (West Avenue to Ravinia) project, the Orland Fire Protection District (OFPD) voiced their concerns regarding the height of the existing utility lines attached to the Commonwealth Edison (ComEd) poles along the north side of 151st Street. The OFPD is requesting additional clearance for their fire engines when they pass under the lowest of these utility lines. There are three options available to address these issues with varying costs to the Village:

1. The Village could pay ComEd (and other utilities on these poles) to relocate their existing lines to underground facilities along the entire stretch of the construction project. The estimated cost for this option is approximately \$1,600,000.
2. The Village could pay ComEd (and other utilities on these poles) to underground their facilities across the fire station driveway only (approximately 100' in length). The estimated cost for this option is approximately \$400,000.
3. Continue as designed, with ComEd aerial relocation. Information received from ComEd states that the proposed design will install 50' poles with the power lines at a 40' height and the lower utility lines at 25' to 30' feet high. All the proposed design heights are much greater than the minimum 16' height required by engineering standards and meet the OPFD needs.

In previous Village Board review for this project, the Board gave inclinations that the Village should direct ComEd to increase the pole height in order to raise the utility lines to meet the required clearance.

Trustee Fenton, Trustee Healy, Mayor Pekau, Trustee Dodge, Trustee Katsenes, Trustee Milani and Trustee Calandriello had questions and comments regarding this matter. (refer to audio file)

Senior Project Engineer Sean Marquez and Director of Programs and Engineering Services Khurshid Hoda responded to their questions and comments. (refer to audio file)

Village staff is seeking consensus for one of the three options.

This item was for discussion only. NO ACTION was required.

2020-0034 Orland Ridge - Development Agreement and Ordinance Approval

Director of Programs and Engineering Services Khurshid Hoda reported that on April 15th, 2019, the Village Board approved: (1) a map amendment rezoning the subject property from E-1 Estate Residential to COR Mixed-Use, and (2) a special use permit for a planned development with modifications to be known as "Orland Ridge" consisting of 104 attached Ranch Villa dwelling units, 190 attached Townhome units, a Club House, public and private streets, public art, recreational facilities and a stormwater management system. The subject property is generally located at 16727-16801 S. La Grange Road, Orland Park, Illinois 60462.

The Development Agreement and Development Agreement Ordinance are attached to this report.

Development Agreement Summary

1. The development is located at 16727-16801 S. La Grange Road, Orland Park and consists of approximately 57.54 acres.
2. The developer is S. R. Jacobson Development Corporation of Bingham Farms, MI (Ann Arbor area). S. R Jacobsen is known for developing higher-end, residential rental properties. They recently completed Ashwood Place Apartments in Naperville where ranch units are similar to Orland Ridge.
3. The development include a mixed use planned development consisting of 104 attached ranch villa dwelling units, 190 attached townhome units, a club house, private streets, roundabout, public art, recreational facilities and a stormwater management system located on Lots 2 and 3 as depicted on EXHIBIT A of Development Agreement (attached). The Developer will also construct a public street within the development, 169th Place, connecting 94th Avenue to LaGrange Road.

4. The current owner of the property, SSM Health Care Corporation, a nonprofit organization of Missouri, will retain title to the commercial component parcel depicted as Lot 4 and the hotel parcel depicted as Lot 1 on EXHIBIT A of Development Agreement (attached). The commercial area on Lot 4 consists of 19,000 square feet of retail space (conceptual at this time) and 26,625 square feet of restaurant space (conceptual at this time). The hotel area on Lot 1 consists of a 6-story 122 room hotel (conceptual at this time). The Owner will seek to have such parcels developed by a commercial developer subject to the terms and conditions of this Development Agreement or a new or Amended Development Agreement as may be required by the Village.
5. Developer and Owner with regard to their respective parcels covenant and agree that they will execute all necessary directions and issue all necessary instructions and take all other actions necessary to perform their respective obligations hereunder with respect to the Subject Property.
6. 169th Place must be fully constructed by Developer including sidewalks and multi-use paths and connected to La Grange Road prior to final occupancy being granted for more than 50% of the residential units.
7. Developer and its successors will be responsible for the maintenance of the landscaping areas; lighting and the roundabout on and along 169th Place and shall cooperate with the Village to create a "fall back" or "dormant" Special Service Area, if needed. Refer to Section Seven of the Development Agreement. 169th Place will be labeled as Orland Ridge Drive.
8. All private park space, with the exception of the clubhouse and pool area, must be accessible to the general public and signage must be installed that indicates the public accessibility. The development may not be gated or outside public access otherwise restricted. The clubhouse must be equally available to all ranch villa and townhome residents of the development.
9. The developer shall install environmental educational signage around all wetlands and detention ponds.
10. The installation and maintenance of landscaping in all storm water management and wetland areas shall be performed by a qualified landscape contractor, as approved by the Village Development Services Department.
11. Water Supply - Developer shall be required to construct and install at its expense all necessary on-site water mains to service the residential parcels. Owner or its successors in interest shall be required to construct and install at its expense all necessary on-site water mains to service the commercial parcels. All water main routes shall be appropriately looped within the Subject Property in order to provide sufficient water circulation throughout the development. All such

water mains shall be constructed and installed in accordance with the Code and final engineering plans approved by the Village and shall be subject to the conditions of the water supply agreement with Illinois-American Water Company. The Village shall enter into a water supply agreement with Illinois-American Water Company for the bulk purchase of water and provide water to the residential and commercial parcels at standard Village water rates with a markup for any direct increase in cost resulting from the water supply agreement in accordance with Village water rates established from time to time. The Developer shall pay to Illinois-American Water Company and/or the Village the required water connection charge(s) based upon the size of the connection(s) in accordance with the requirements of Illinois-American Water Company and Village ordinances. The Developer must install separate water meters for each tenant space. The Developer shall install all water main extensions, appurtenances and bulk water supply metering equipment and vaults for supplying the development. The Developer shall be responsible for all maintenance of the installed water mains, appurtenances and the booster station until formal acceptance thereof is provided by the Village. Multi-unit town-home buildings shall have separate water service connections for each individual unit.

12. Sanitary Sewers - The Developer shall be required to construct and install at its expense all necessary sanitary sewers to service the Subject Property in accordance with the Code and final engineering plans approved by the Village. The Village shall enter into an agreement with Illinois-American Water Company for sanitary sewer service for the residential and commercial parcels, for which the cost to the project shall be included in the water rates. Multi-unit residential townhome buildings shall have separate sewer service connections for each individual unit. Developer agrees that no surface water is to be discharged into the sanitary sewerage collection system and Developer will make adequate provision that this will not occur. The Developer shall maintain the sanitary sewer mains and appurtenances until final acceptance by the Village.

13. Streets, Street Lighting, Sidewalks - The Developer shall construct and install all sidewalks, walking paths, and ramps as shown in EXHIBITS B and C (and as modified in accordance herewith) and in accordance with the Code and approved engineering. All locations where sidewalk improvements and crosswalks are proposed should have a receiving Americans with Disabilities Act compliant sidewalk containing a cast iron detectable warning plate of the East Jordan Iron Works "Duralast" type, powder-coated brick red. If a necessary sidewalk is not available, the sidewalk extension should be signed accordingly with a "SIDEWALK CLOSED" sign or the sidewalk extension should not be constructed. Sidewalks, walking paths, and ramps on private property must be privately owned and maintained in perpetuity by the Developer and all successors in title.

The Developer shall construct all public and private street lights and all necessary electrical wiring required by the Village in order to meet all applicable Village standards. The Developer shall be responsible to own and maintain in perpetuity

the public street lighting. The private ownership is dictated by the unique nature of the chose light standard.

The Village shall accept the dedication of 169th Place right-of-way (labeled as Orland Ridge Drive on preliminary subdivision plat) upon recording of the plat of subdivision for the Subject Property. An out-lot shall be established within the 169th Place right-of-way to cover the proposed traffic circle/roundabout and landscaped splitter island areas for the purpose of establishing private ownership and maintenance.

14. Special Service Area - 169th Place Improvements - With Developer's and Owner's cooperation, the Village will create a "fall back" or "dormant" Special Service Area pursuant to the Special Service Area Tax Law (35 ILCS 200/27-5, et seq.) to cover the Subject Property for the future maintenance, repair and replacement of the landscaping areas, lighting (including light fixtures and poles) and the roundabout on and along 169th Place, as delineated on EXHIBIT B, if said maintenance, repair, and replacement are not done by Owner and/or Developer in accordance with the Code. Owner and Developer will waive any statutory objections to the formation of said Special Service Area and will consent to the proposed future tax levy required for such maintenance, repair, and replacement. Owner and Developer will provide, by recorded covenants or conditions or other appropriate recordable documents, for all necessary cross access and shared maintenance among future lot or property owners for the landscaping, lighting (including light fixtures and poles) and roundabout on and along 169th Place.

15. Contributions - Impact Requirements - The contributions, impact, and exaction fees provided for in Section 5-112-H of the Code shall be paid to the Village by the Developer or Owner upon application for each building permit applicable to each dwelling/townhome unit, clubhouse, hotel, commercial site, and retail site. In accordance with the Final Plan Citation letter dated April 22, 2019, Paragraph 8, Page 2, the Developer will receive a credit of \$381,832.00 from the Village for the required cost donation for capital improvements.

The following is the motion approved by the Board on April 15, 2018.

"Based on proposed park land acreage and proposed park capital improvements; the developer will pay cash-in-lieu to the Village in the amount of \$76,371, based on the formula required by Village code, for the ½ acre shortage of required park land contribution and the developer will get the maximum credit of \$381,832 from the Village for the required cash donation for capital improvements. The developer will also pay \$100,000 towards a public art element for the project. The developer is required to work with staff on the selection, procurement, and installation of the required public art."

The Developer has agreed to cooperate with the Village in the design, fabrication, and installation of certain artwork within the proposed development. The

Developer and the Village Development Services Department shall work together cooperatively to select mutually acceptable artwork within the budget for the artwork. To provide for payment of the cost of designing, fabricating and installing the said artwork, the parties agree as follows:

- a) The purpose of public art is to provide an “experience” for Orland Ridge residents, visitors, retail shoppers, hotel guests, and the residents of Orland Park.
- b) Prior to the start of installation of utility infrastructure, Developer shall pay to the Village the sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) to be held in trust by the Village and to be used solely for the cost of design, fabrication and installation of the artwork;
- c) The Village shall contribute the sum of SEVENTY-SIX THOUSAND THREE HUNDRED SEVENTY-ONE DOLLARS (\$76,371.00), representing the amount of the Developer's required contribution/exaction payment to the Village for capital improvements of parks within the Subject Property pursuant to Section 5-112-H.2.b.2. of the Code which amount shall be held by the Village in the trust account provided for in a), above; and
- d) The Village shall contribute the balance of the cost of design, fabrication, and installation of the artwork in an amount not to exceed TWO HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$225,000.00), which amount shall accrue from Developer's contributions, impact and exaction fees pursuant to Section 5-112-H of the Code, and which amount shall be held by the Village in the trust account provided for in a), above. The Developer shall not be required to provide additional contributions in excess of the impact and exaction fees otherwise required by the Code.
- e) The Developer and all successors in title shall own the artwork and shall be responsible for the maintenance and upkeep of all artwork. The Village must first approve any change, removal or covering of the artwork.

Current Request

The purpose of this request is as follows:

- a) Review and approve, modify, or reject the major items (discussed above) related to the Orland Ridge development.
- b) Review and approve, modify, or reject the items related to the proposed public art element for the development.

To address a stormwater issue related to floodplain requirements, the developer has requested modifications to the smaller pond and cul-de-sac located in the NE portion of the site. This is relatively a minor modification and the staff, fire district and Village’s engineering consultant concur with the requested modifications. The

Village code requires that those modifications be approved by the Planning Commission. If the modifications are unanimously approved by the Planning Commission and after the modifications are processed by the Village staff, it is staff's intent to take the modified Development Agreement and Development Ordinance, including the modifications approved tonight by the Committee of the Whole, to the Village Board at a future date.

Trustee Dodge, Mayor Pekau and Trustee Fenton had questions and comments regarding this matter. (refer to audio file)

Village Manager George Koczwara and Director Hoda responded their questions and comments. (refer to audio file)

I move to recommend to the Village Board to approve the Orland Ridge Development Agreement (with the recommended modifications) located at 16727-16801 S. La Grange Road, Orland Park, Illinois 60462;

And,

I move to recommend to the Village Board to pass an Ordinance entitled ORDINANCE AUTHORIZING DEVELOPMENT AGREEMENT - (ORLAND RIDGE 16727-16801 S. LAGRANGE ROAD).

A motion was made by Trustee Fenton, seconded by Trustee Healy, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion carried by the following vote:

Aye: 8 - President Pekau, Village Clerk Mehalek, Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, and Trustee Milani

Nay: 0

2020-0091 Village Code Amendments to Title 6, Chapter 2 Nuisances, Title 7 Chapter 13 Peddlers and Transient Merchants, and Title 5 Chapter 8 Rental Housing

Director of Development Services Ed Lelo reported that the Village staff is proposing the following amendments to the Orland Park Village Code that will allow easier enforcement of property maintenance codes. These sections are being clarified based on the recommendations of staff and will resolve issues that they have encountered when attempting to enforce those codes.

Title 6 Chapter 2 Nuisances
6-2-2-7: Weeds and High Grass

6-2-2-7.2

There is a provision in this code section that requires that all weeds in excess of 8" in height must be removed and offers the following language,

"whenever said weeds shall exceed eight inches (8") in height but in no event less often than twice a year, once between June 15 and July 1, and once between August 1 and August 15 of each year."

Property owners often question this section of code. The specific dates are being removed and property owners will be required to address this issue regardless of the time period when it occurs.

A minor clarification is also being added to this section to clarify that the code refers to grass and weeds as opposed to grass only. The revised version is as follows:

2a. The height of natural grass and or weeds shall not be greater than 8 inches in height. This maximum height shall be maintained at all times. Enforcement shall be conducted as that required for weed control in this section. (Ord. 4160, 8-7-06)

Title 7, Chapter 13, Peddlers and Transient Merchants

The Village Currently prohibits "hawkers," and "hawking," throughout the Village. Hawking involves someone who shouts or exhibits his or her items for sale and solicits customers by trying to show them how a product works or asks them to try it. Clarification is being made to update the definition that will prohibit vendors from approaching a potential customer unless they show interest or intent to purchase. The same language will be included in the prohibited activities section of the chapter.

Title 5, Chapter 8, Rental Housing 5-8-4-2.4

Language is being added that will require landlords to maintain any equipment or appliances present in the rental unit in working order. If a dishwasher breaks there is no code that requires a rental building to provide a dishwasher. On occasion these items are not repaired even though the tenant may have signed the lease expecting that these appliances are available. This code section would require the landlord to make the repair in this instance.

5-8-4-2.5 Rodents, insects, and other pests

Language is being added that requires the tenant's to follow a pest control plan should there be one in a residential rental building. Language is being amended to require that pest control must be treated on a monthly basis for twelve consecutive months once a problem is discovered.

5-8-4-2.7

Revisions are being made to clarify what items constitute excess storage that could cause a fire hazard or hoarding situation. Currently, the section prohibits the accumulation of certain items such as, junk, machinery, lumber, boxes etc. This amendment will add excessive clothing, furniture, supplies and large amounts of

packed containers.

5-8-4-3.12

Language is being added to clarify deadbolt requirements in Rental Housing. The language will require deadbolts for all entry and exit doors including the garage. Language is also being added to require thumb turn throws on the interior of the unit/home.

5-8-4-5

Language is being added to reflect the above definition change for the accumulation of materials. This will be added to the section that governs tenant responsibilities.

Trustee Calandriello, Trustee Katsenes and Trustee Dodge had comments regarding this matter. (refer to audio file)

Director Lelo responded to their comments. (refer to audio file)

I move to recommend to the Village Board of Trustees to approve the changes to the Village Code as discussed and request staff to draft an ordinance for approval at the next Village Board meeting.

A motion was made by Trustee Dodge, seconded by Trustee Healy, that this matter be RECOMMENDED FOR APPROVAL to the Board of Trustees. The motion carried by the following vote:

Aye: 8 - President Pekau, Village Clerk Mehalek, Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, and Trustee Milani

Nay: 0

ADJOURNMENT: 6:40 P.M.

A motion was made by Trustee Fenton, seconded by Trustee Nelson Katsenes, that this matter be ADJOURNED. The motion carried by the following vote:

Aye: 8 - President Pekau, Village Clerk Mehalek, Trustee Fenton, Trustee Dodge, Trustee Calandriello, Trustee Healy, Trustee Nelson Katsenes, and Trustee Milani

Nay: 0

2020-0143 Audio Recording for the February 17, 2020 Committee of the Whole Meeting

NO ACTION

/AB

Respectfully Submitted,

John C. Mehalek, Village Clerk

REQUEST FOR ACTION REPORT

File Number:	2020-0170
Orig. Department:	Officials
File Name:	Review Revised Ethics Policy and Discussion - Recommended Ordinance

BACKGROUND:

The Ad hoc Committee was created for the purpose of drafting and recommending to the Board of Trustees an ordinance to establish ethical standards of conduct for Village Officials and providing a guide for conduct in Village matters and secondly to establish a process for a review of complaints of alleged violations of that ethics ordinance.

Members of the Ad hoc Committee:

- Carole Griffin Ruzich
- Kevin Scanlan
- Sean Kampas
- Ed Schussler
- Bill Healy - Chairperson

The Ad Hoc Ethics Committee has met several times and has worked with Klein, Thorpe, and Jenkins Ltd. to accomplish its charge. Toward that end, the Committee has prepared the draft ethics ordinance for the Board of Trustee's consideration. This item is now before the Committee of the Whole for review and has been placed on the agenda for further discussion and recommendation.

BUDGET IMPACT:

None

REQUESTED ACTION:

I move to recommend to the Village Board to pass an Ordinance entitled: AN ORDINANCE AMENDING TITLE 1, CHAPTER 8 OF THE ORLAND PARK VILLAGE CODE (ETHICAL STANDARDS OF CONDUCT)

..T

VILLAGE OF ORLAND PARK - ETHICAL STANDARDS OF CONDUCT

..B

AN ORDINANCE ESTABLISHING A CODE OF ETHICAL STANDARDS OF CONDUCT FOR THE BOARD OF TRUSTEES AND ALL BOARDS, COMMITTEES AND COMMISSIONS OF THE VILLAGE OF ORLAND PARK THAT IS APPLICABLE TO PERSONS IN MUNICIPAL SERVICE WHETHER COMPENSATED OR NOT AND WHETHER APPOINTED OR HIRED AND TO PRESCRIBE DISCIPLINE FOR VIOLATIONS THEREOF

NOW, THEREFORE, Be It Ordained by the Village President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1:

INTERPRETATION

This Ordinance shall establish ethical standards of conduct the Board of Trustees and all Boards, Committees and Commissions of the Village of Orland Park.

SECTION 2:

SEVERABILITY

If any provision or section of this Ordinance may later be amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provisions or applications.

SECTION 3:

PUBLIC POLICY DECLARATION

It is hereby declared to be the standard of ethical service to the Village of Orland Park that all Village Officials avoid conflicts between their private interests and those of the general public whom they serve. To enhance the faith of the people and to assure the integrity and impartiality of all Village Officials of the Village, it is necessary that adequate guidelines be provided for separating their roles as private citizens from their roles as public servants. Being a Public Official of the Village is a public trust and any effort to realize personal gain through official conduct is a violation of that trust. The ethical standards established herein are intended to eliminate, to the fullest extent possible, violations of ethical conduct and to ensure that such are investigated and punished where applicable.

SECTION 4:

DEFINITIONS

As used in this Ordinance, the following words and phrases shall have the following meanings:

Agreement – an understanding between two or more persons or entities; a contract.

Appointed – selected and installed in an office or position.

Board of Trustees – The President and Village Board of Trustees of the Village.

Business – commercial or industrial enterprise or establishment, store, etc.; work, employment, profession of an individual or group; commerce.

Compensation – money, property, thing of value or benefit conferred upon or received by any person or sought for any person in return for services rendered for or to be rendered to himself/herself or another.

Conflict of Interest – an interest that competes with or is adverse to a legitimate interest of the Village.

Consideration – something given or promised in exchange for something else, tangible or intangible, including promises.

Contracts – agreements or mutual understandings supported by present or future consideration.

Contribution – money or aid given another.

Decision making – exercising public power to adopt laws, regulations or standards, render decisions, establish policy, determine questions of discretion.

During the course of Village business – while planning, working on, reporting on, or carrying out the affairs of the Village whether for compensation or not.

Exchange – to give in return.

Gain – an increase in power, advantage, wealth, possessions, earnings.

Gift – something given without recompense.

Immediate family – spouse, child or step child, mother, father, step-parents, grandparents, step grandparents, brothers, sisters, step-brothers or sisters, or in-laws of any kind.

Influence – the power of persons or things to influence others.

Member – any of the persons constituting an organization or group.

Moral turpitude – an act of baseness; vileness or depravity; conduct contrary to honesty, justice or good morals.

Official conduct – action or inaction by an official or employee acting on behalf of the Village.

Official duty/Official action – a decision, action, recommendation, approval, disapproval or other action or failure to action which involves the use of power, trust, decision making, or authority, or with moral turpitude.

Other persons/anyone else – member of one’s immediate family or individual persons, or businesses, entities, associations, or groups.

Personal gain – advantage or increase in wealth, possessions, power or other benefits for an individual or on behalf of another individual.

Potential conflict of interest – a situation whereby the interests of the Village and the interests of someone else will, may, or might become in conflict in the ordinary course of events.

Promise – an agreement to do or not do something.

Reward – something given for something done.

Rules of ethical conduct – the provisions of this Ordinance.

Solicit – to ask or seek; often earnestly; to entice another to do something.

Village – Village of Orland Park.

Village Employee – an employee of the Village of Orland Park whether members of an employee group or not.

Village Official – an elected or appointed official of the Village Board of Trustees and the Village Clerk, and/or members of Village advisory panels, boards, committees and commissions and members of non-governing boards, committees or commissions regardless of whether the official is compensated for service in his or her official capacity.

Village Property – anything tangible or intangible including rights, owned by the Village or under the control of the Village in fiduciary or representative capacity.

SECTION 5:

STANDARDS OF CONDUCT

The Village's integrity rests solidly on the foundation of several general rules of ethical behavior which are set forth in this Ordinance... These rules form fundamental values to be understood and honored by all Village Officials.

SECTION 6:

PROHIBITED ACTS

The following acts, actions, inactions, and attempted acts constitute a violation of the ethical standards of conduct for Village Officials. These include but are not necessarily limited to these specific references but, rather, are intended as providing examples of actions and inactions that are prohibited by this Ordinance.

1. Gratuities

No Village Official shall intentionally solicit, or accept, any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which the gift is intended to influence him or her in the performance of his or her official duty/duties or is intended as a reward for any official action on their part.

2. Preferential treatment

No Village Official shall use or attempt to use their official position to unreasonably secure, request or grant, any privileges, exemptions, advantages, contracts, or preferential treatment for themselves or their immediate family.

3. Use of Information

A. No Village Official who acquires information in the course of his or her official duties, which information by law or policy is not available at the time to the general public, shall use such information to further the private interests of themselves or anyone else.

B. No Village Official shall obtain or use Village records, documents, communications, or other written or electronic records of the Village or those under the control of the Village which records by law or policy is not available at the time to the general public, to further the private interests of himself or anyone else.

4. Full Disclosure

No Village Official shall participate, as an agent or representative of the Village, in recommending or otherwise acting upon any matter in which he or she has an interest without disclosing the full nature and extent of their interest. Such a disclosure must be made before the time to perform their duty or concurrently with that performance. If the Official is a member of a

decision making or advisory body, the disclosure must be made to the Chairman and other members of the body on the official record.

5. Use of Village Property

No Village Official shall, , make use of or permit others to make use of Village property, equipment, vehicles, or supplies of any kind for purely personal gain.

SECTION 7:

EXCLUSIONS

This Ordinance is not intended to cover the following.

1. This Ordinance shall not prohibit a Village Official from accepting gifts in accordance with the State law when the gift is extended during the course of Village business and no return promise is made by the recipient.
2. This Ordinance shall not prevent any Official from accepting their regular compensation.
3. This Ordinance does not prohibit the expression of views and opinions or communications of plans for future action, nor does it prohibit contributions to political parties or candidates as permitted by law.
4. This Ordinance shall not apply to a Village Official, who in the course of decision making, discloses a conflict of interest or potential conflict of interest in any matter before the Village Board of Trustees, Advisory Board or Commission and proceeds as follows:
 - A. Whenever any Village Official has an ownership, employment, financial, family interest or other interest in a proposed contract, business or transaction with the Village which interest is allowed under this Village code of ethics, such Village Official or employee shall file with the Village Clerk a written disclosure of interest statement in the following form or such other substantially similar form as the Ethics Commission may hereafter prescribe.
 - B. Such written disclosure of interest statement shall be filed with the Village Clerk not later than the call to order of the meeting at which action is contemplated or, where there is no such meeting, within forty-eight (48) hours of the Village Official's learning of an interest allowed under the Village code of ethics.

DISCLOSURE OF INTEREST IN CONTRACT, BUSINESS OR TRANSACTION

Name:

Board/Commission/Committee:

Name of Entity Having Business With Village:

Description of Official's Interest in the Proposed Contract, Business or Transaction:

Date:_____

Signed:_____

SECTION 8:

INTEGRITY, REPUTATION AND THE ABILITY TO ENFORCE STANDARDS

Preserving the integrity of the Village of Orland Park is important to all Village Officials. Fairness, honesty, evenhandedness, and sincerity, that transcend both the law and the values of individuals, are achieved by observing an overriding set of ethical standards. Complaints of unethical actions of Village Officials need to be handled with the same fairness, honesty, evenhandedness and sincerity to preserve the integrity of the Village of Orland Park. A Village's reputation and its overall success are securely linked. The Village of Orland Park's reputation is obviously based on more than the collective reputations of its employees and Officials. The Village's reputation depends on how people perceive that the Village, whatever the issue or set of circumstances, will act with integrity, preserving the integrity of the Village may result in official action to enforce and punish violations of the Ethical Standards of Conduct.

SECTION 9:

ETHICS ADVISOR

The Village Attorney shall act in the capacity of Ethics Advisor for the Village of Orland Park. The Ethics Advisor shall provide guidance to the Village Officials of the Village of Orland Park concerning the interpretation of and compliance with the provisions of this Ordinance and State ethics laws. Any Village Official or employee may file a request with the Ethics Advisor for an advisory ethical opinion on the propriety of any conduct or action under this Ordinance and the

State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the Board of Trustees.

SECTION 10:

ETHICS OFFICER

The Village President, with the advice and consent of the Board of Trustees shall designate an Ethics Officer for the Village of Orland Park for a term of four (4) years. The compensation of the Ethics Officer shall be determined by the Board of Trustees. The Ethics Officer shall have the following powers and duties:

1. Upon receipt of a signed, written complaint, to initiate a preliminary inquiry to determine whether the facts set forth in the complaint support further action by the Ethics Commission of the Village of Orland Park, or are unfounded;
2. If the Ethics Officer does not find probable cause to believe that a violation of this Ordinance or State ethics law has occurred, the Ethics Officer may terminate the inquiry. The Ethics Officer or his or her designee will so notify the subject of the inquiry in writing, and will also notify the complainant in writing. The Ethics Officer may determine if the complainant filed a false report or complaint.
3. To determine if a complaint has probable cause, to proceed, and refer the alleged violation of this Ordinance to the Ethics Commission of the Village of Orland Park for appropriate action.
4. The Ethics Officer shall act only upon the receipt of a written complaint alleging a violation of this Ordinance or State law and not upon her/her own prerogative.

The Village President, with the advice and consent of the Board of Trustees, may remove the Ethics Officer, at any time, in cases of incompetence, neglect of duty, or malfeasance in office. A vacancy shall be filled in the same manner as the original appointment.

SECTION 11:

ETHICS COMMISSION

There is hereby created a Commission to be known as the Ethics Commission of the Village of Orland Park. The Commission shall be comprised of three members appointed by the Village President with the advice and consent of the Board of Trustees. No person shall be appointed as a member of the Commission who is related, either by blood, by adoption or by marriage up to the degree of first cousin, to any elected officer or employee of the Village of Orland Park. All Commissioners shall be appointed to three (3) year terms and serve without compensation. Commissioners may be reappointed to serve subsequent terms. The Village President, with the advice and consent of the Board of Trustees shall annually appoint a chairperson from one of the members of the Commission to serve a term of one (1) year which shall begin on the first

Monday in June and expire on the first Monday in June the following year. The chairperson may be reappointed to serve subsequent terms. The chairperson shall preside at meetings and/or hearings of the Commission. Meetings shall be held at the call of the chairperson or any 2 Commissioners. A quorum shall consist two Commissioners, and official action by the Commission shall require the affirmative vote of two members.

The Village President, with the advice and consent of the Board of Trustees, may remove a Commissioner, at any time, in case of incompetency, neglect of duty or malfeasance in office. Vacancies shall be filled in the same manner as original appointments.

The Commission shall have the following powers and duties:

1. To promulgate procedures and rules governing the performance of its duties and the exercise of its powers;
2. Develop procedures and policies for the processing of complaints to make appropriate determinations regarding complaints filed by any person alleging violation of the Ethics Ordinance;
3. Request funds for outside counsel, investigators, and other services, as required;
4. Approve spending budgeted funds upon approval by a majority vote of the Commission;
5. Make recommendations for changes to the Ethics Ordinance when needed;
6. Upon receipt of a referral from the Ethics Officer, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with Section 16 of this Ordinance and refer violations of this Ordinance to the appropriate attorney for prosecution, or when appropriate, to the Cook County State Attorney's office, the Illinois Attorney General's office or the United States Attorney's office. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this Ordinance and not upon its own prerogative;
7. To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this Ordinance;
8. To compel, to the extent permitted by law, the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all employees and Village Officials of the Village of Orland Park to cooperate with the Commission during the course of its investigations. Failure or refusal of an employee to cooperate with requests by the Commission shall constitute grounds for discipline or discharge; and
9. The powers and duties of the Commission are limited to matters clearly within the purview of this Ordinance.

SECTION 12:

QUALIFICATIONS OF ETHICS ADVISOR, ETHICS OFFICER AND ETHICS COMMISSION MEMBERS

The Ethics Advisor, the Ethics Officer and members of the Village Ethics Commission shall not hold office in any political party or be employed as a lobbyist to seek a benefit from or action to be taken by the Village. The Ethics Advisor, the Ethics Officer and member of the Village Ethics Commission may make campaign contributions, not be a candidate in any Village of Orland Park election. No person may serve as the Ethics Advisor, Ethics Officer or on the Village Ethics Commission while holding any other office in the Village of Orland Park, or being employed by the Village.

SECTION 13:

COMPLAINT PROCEDURE

The Ethics Officer and the Commission only have jurisdiction to consider violations of the specific provisions of the Ethics Ordinance or State ethics law which have occurred after the effective date of this Ordinance.. General allegations that conduct is “unethical” cannot be considered unless the conduct would constitute a violation of the Ethics Ordinance or State ethics law itself.

1. Complaints alleging a violation of this Ordinance must be written and first filed with the Ethics Officer; provided, however, in order to prevent an abuse of this procedure during any municipal election, no such complaint may be filed within 45 days before early voting begins in any municipal election at which the Village President, Clerk or any member of the Board of Trustees is to be elected. If an incident arises immediately before or during such 45-day period which may be the subject of a complaint hereunder and no complaint has been filed by the start of the 45-day period, the complaint shall not be filed (nor accepted for filing) until after the election, at which time it may be filed and processed in accordance with the provisions of this Ordinance.
2. If a complaint is filed during the 90 days preceding the date of any election at which the subject of the inquiry is a candidate, the Commission shall make a good faith effort to render its decision within 14 days after the complaint is filed, and in any case, the Commission shall render such decision before the date that early voting begins for that election, if possible. Complaints shall contain the name, signature, home and (if applicable) email addresses, and telephone numbers of the person filing the complaint. Anonymous or unsigned complaints will not be accepted by the Ethics Officer or the Commission. A complaint must be filed within one (1) year after the date of the alleged violation by the subject of the complaint. Provided, however, that the time period to file a complaint shall be tolled during the 45 day period before early voting begins for a Village of Orland Park municipal election until the day after that election has occurred.

3. The filing of the complaint shall include a detailed statement of the facts and circumstances giving rise to the complaint of which the complainant has direct knowledge. The complaint and the detailed statement of the facts and circumstances giving rise to the complaint shall include, but not be limited to, naming of the individual(s) involved, a description of the alleged violation and when it occurred, a list of all witnesses to the alleged violation, any evidence that the complainant has regarding the allegations in the complaint, and such other and further information as may be necessary to apprise the Ethics Officer of the nature of the offense, to give the alleged violator an opportunity to prepare a defense, and to enable the Ethics Commission to conduct a thorough investigation. As soon as reasonably possible, such complaint and statement of the facts shall be given by the Ethics Officer to the person accused of a violation of this Ordinance and to the Board of Trustees.
4. Service of the complaint shall be made by personal delivery or by mailing with the United States Postal Service by certified or registered mail, return receipt requested, to the Ethics Officer in care of the Village Clerk's office.
5. Within three (3) days of the commencement of the inquiry, the Ethics Officer will notify any person who is the subject of a preliminary inquiry in writing of the existence of such inquiry and the general nature of the alleged violation(s), including the specific provisions of law which may have been violated. The notice will indicate that the subject of the inquiry or his or her attorney will have the opportunity to discuss the inquiry with, or submit any information to, the Ethics Officer. The Ethics Officer shall act only after giving the alleged violator the opportunity to respond within a reasonable time as determined by the Ethics Officer, to the allegations in the complaint.
6. When the Commission receives a referral from the Ethics Officer, the Commission will make an initial determination as to whether the facts set forth in the complaint support further action by the Commission. If so determined by the Commission, the options available to the Commission include, but are not limited to the following:
 - A. Issue the Commission's findings;
 - B. If the Commission finds that the facts alleged in the complaint would not constitute a violation of the Ethics Ordinance, the Commission may dismiss the complaint without further investigation; or
 - C. Direct a person or person(s) to investigate the allegations to aid the Commission in its initial evaluation of the complaint; or
 - D. The Commission shall attempt to meet with the complainant and/or the subject of the complaint to ascertain the facts related to the complaint and then issue Commission's complaint decision. If at any time the Commission determines that a hearing is warranted, the Commission may schedule a hearing on the complaint. The Commission shall have access to any relevant records or documents in the possession, custody or control of the Village and the Village Manager and Village Clerk shall

- make such records and documents available to the Commission and provide them to the Commission in a timely manner and in a format requested by the Commission
7. The Commission's complaint decisions should generally be issued within ninety (90) days of receipt of the complaint. The time for the Commission's complaint decision may be extended by the Commission, if necessary, in its discretion.
 8. Right to legal representation and participation:
 - A. Before making a decision adverse to the person that is the subject of the complaint, the subject of the complaint has the right to be heard by the Commission.
 - B. The subject of the complaint has the right to be represented by legal counsel in his/her meeting(s) with the Commission and in any hearings conducted by the Commission. The subject of the complaint is solely responsible for payment of any legal fees associated with its attorney's representation.
 - C. At the formal hearing on the complaint, the Complainant and the Subject of the complaint shall each be given the opportunity to present evidence and cross-examine witnesses. All testimony at the hearing shall be taken under oath but formal rules of evidence shall not apply.
 9. If the allegations in the complaint or the facts obtained during the Commission's investigation suggest that criminal conduct may have occurred, the Commission may refer the matter to the Cook County State Attorney's office, the Illinois Attorney General's office or the United States Attorney's office for determination as to whether a criminal investigation is warranted. Once a referral for possible criminal prosecution is made, the Commission will not act on the complaint until the referral is resolved. If the Complaint is filed with the Cook County State Attorney, the Illinois Attorney General Office or the United States Attorney's office by the complainant, the Ethics Officer and/or the Commission will not act on the Complaint but will be handled by that office.
 10. Commission's Complaint Decision:
 - A. The Commission's complaint decision will include findings of fact and conclusions of law for each violation alleged in the complaint.
 - B. If the Commission decides to dismiss the complaint or makes a decision on the merits of the complaint, it will provide a copy of the Commission's complaint decision to the complainant and to the subject of the complaint.
 - C. A Commission's complaint decision shall be signed by the chairperson or other designated member on behalf of the Commission.
 - D. If the Commission finds that the subject of the complaint has violated the Ethics Ordinance, it may take such steps and enforcement actions as are allowed in the Ethics Ordinance.

SECTION 14:

RECUSAL OF ETHICS OFFICER OR ETHICS COMMISSIONER

1. The Ethics Officer and/or an Ethics Commissioner may be required to consider recusing from a matter in order to avoid a conflict of interest or the appearance of a conflict of interest.
2. The Ethics Officer and/or the Ethics Commissioners are responsible for knowing when recusals are required, but they do not need to make this determination alone. They may seek the advice of the Village Ethics Advisor when considering whether recusal is appropriate.
3. A recusal is appropriate when a conflict of interest exists between the Ethics Officer and/or the Ethics Commissioners duties and financial interests (including interests in future employment) or certain business or personal relationships or outside activities.
4. The Ethics Officer and/ or the Ethics Commissioners who think they might need a recusal should seek assistance from the Village Ethics Advisor before commencing work on a complaint in question.
5. The Ethics Officer and/or the Ethics Commissioners are strongly encouraged to document their recusals in writing. Although recusals do not need to be in writing in order to be valid, as a general principle, a written recusal helps clarify the scope of the recusal both for the Ethics Officer and/ or the Ethics Commissioners and those who need to be aware of the recusal. The Village Ethics Advisor can assist employees in preparing a written recusal.
6. Once an Ethics Officer and/or the Ethics Commissioner recognizes the need to recuse him- or herself from participating in a particular complaint, the Ethics Officer and/ or the Ethics Commissioner shall notify the Board of Trustees who will then appoint a temporary replacement to handle that particular complaint. The temporary replacement shall be made by the Village President, with the advice and consent of the Board of Trustees.
7. Recusals are required in several specific situations:
 - A. When an Ethics Officer or Ethics Commissioner's position would cause him or her to work on a matter that will have a direct and predictable effect on his or her own financial interests or the financial interests of an entity whose interests are imputed to the Ethics Officer or Ethics Commissioner;
 - B. When an Ethics Officer or Ethics Commissioner is working on a particular matter involving specific parties, a reasonable person with knowledge of the relevant facts

would question the employee's impartiality, and either (1) the matter is likely to have a direct and predictable effect on the financial interests of the Ethics Officer or Ethics Commissioner's household, or (2) the Ethics Officer or Ethics Commissioner knows that a person with whom he or she has a covered relationship is or represents a party to the matter. You have a "covered relationship" with:

- i. a person with whom you have or seek a business, contractual or other financial relationship;
 - ii. a member of your household or with whom you have a close personal relationship;
 - iii. a person for whom your spouse, parent or dependent child serves as an officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee;
 - iv. any person for whom you have, within the last year served as officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee, or;
 - v. any organization in which you are an active participant.
8. when an Ethics Officer or Ethics Commissioner has an arrangement concerning prospective employment; and
9. when an Ethics Officer or Ethics Commissioner believes that his or her participation in a matter would create an appearance of impropriety.

SECTION 15:

RULES NOT JURISDICTIONAL

The Ethics Commission shall adopt rules and regulations as to forms and procedures and shall at all times maintain appropriate records of its opinions and proceedings. These procedures and policies do not constitute jurisdictional requirements. Failure of the Commission, the Commission's designee or village staff, or any party to comply with any provision(s) of these procedures and policies shall not invalidate any otherwise valid Commission decision or any action of the Commission.

SECTION 16:

COMPLIANCE WITH STATE LAWS

Nothing in this Ordinance shall be deemed to in any way restrict the application of any state statute or any common law provision with respect to conflict of interest, malfeasance, misfeasance, or nonfeasance in office which would otherwise be applicable to any person subject to the provisions of this Ordinance. The provisions of this Ordinance shall be deemed additional requirements and shall in no way be construed as a derogation of present statutory penalties and other local remedies for acts prohibited in this Ordinance.

The regulations of Sections 5-15 and Article 10 of the State Officials and Employees Ethics Act, (5 ILCS 430/1-1 et. seq.) and Public Official Prohibited Activities Act (50 ILCS 105/1 et seq). ("Act") are hereby adopted by reference and made applicable to the Officials and Employees of Village Officials to the extent required by 5 Illinois Compiled Statutes 430/70-5.

The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act by any of the Village Officials is hereby prohibited.

The offering or making of gifts prohibited to be offered or made to a Village Official under the Act is hereby prohibited.

The participation in political activities prohibited under the Act by any Village Official is hereby prohibited.

For purposes of this Section, the term "Official" shall be defined as set forth in 5 Illinois Compiled Statutes 430/70-5(c).

The penalties for violations of this Section shall be the same as those penalties set forth in 5 Illinois Compiled Statutes 430/50-5 for similar violations of the Act to the extent allowed by law.

This Section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of Village Officials and Employees. To the extent that any such existing ordinances or policies are less restrictive than this Section, however, the provisions of this Section shall prevail in accordance with the provisions of 5 Illinois Compiled Statutes 430/70-5(a).

Any amendment to the Act that becomes effective after the effective date of this Section shall be incorporated into this Section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities except that any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Section by reference without formal action by the Orland Park Village Board.

In the event that the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Section shall remain in full force and effect; however, that part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Orland Park Village Board.

SECTION 17:

FALSE REPORTS

It shall be a violation of the Ordinance for any person to knowingly file a false report or Complaint with the Ethics Officer or the Ethics Commission. Any person who knowingly makes a false report or Complaint alleging a violation of this Ordinance or the State ethics laws to the Ethics officer or Ethics Commission is guilty of a misdemeanor. Any person

who is found to have made two or more false reports in any calendar year shall be barred from filing any report or Complaint with the Ethics Officer or Ethics Commission for a period of one year.

SECTION 18:

PENALTIES

A person who intentionally violates any provision of Section 5-15 of the State Officials and Employees Ethics Act (Prohibited Political Activities) is guilty of a Class A misdemeanor and may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.00.

A person who intentionally violates any provision of Article 10 of the State Officials and Employees Ethics Act (Gift Ban) is guilty of a business offense and subject to a fine in an amount of not less than \$1,001.00 and not more than \$5,000.00.

Any person who intentionally makes a false report or complaint alleging a violation of any provision of this Ordinance to the Ethics officers, Ethics Commission, the State's Attorney, Attorney General, or any other law enforcement Official is guilty of a misdemeanor and may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 6 months, and may be fined in an amount not to exceed \$750.00.

A violation of Section 5-15 of the State Officials and Employees Ethics Act shall be prosecuted as a criminal offense by an attorney for the Village of Orland Park by filing in the circuit court information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

A violation of Article 10 of the State Officials and Employees Ethics Act may be prosecuted as a quasi-criminal offense by an attorney for the Village of Orland Park, or by the Ethics Commission through the designated administrative procedure.

Except as set forth above for violations of the State Officials and Employees Ethics Act, a person is guilty of a misdemeanor for a violations of this Ordinance and may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 6 months and may be fined in an amount not to exceed \$750.00.

Except as set forth above for violations of the State Officials and Employees Ethics Act as set forth above, a violation of this Ordinance shall be prosecuted as a criminal offense by an attorney for the Village of Orland Park by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

SECTION 19:

DISCIPLINE OF EMPLOYEES

The Village Manager shall have the responsibility to investigate allegations of violations of ethical behavior by Employees. The Mayor shall have the responsibility to investigate allegations of violations of ethical behavior by the Village Manager. Discipline of Employees will be determined by the Village Manager unless the Village Manager is involved in the allegation(s); in that event, the manner of discipline shall be determined by the Village Board of Trustees.

SECTION 20:

This Ordinance repeals Ordinance 3257 and Ordinance 3871 and all other prior ordinances which may conflict with its provisions and shall be in full force and effect from and after its passage and approval as required by law.

George Koczvara

Subject: Ethics Ordinance - Ad Hoc Committee Recommendation

Subject: Ethics Ordinance - Ad Hoc Committee Recommendation

Dear Mayor Pekau and Members of the Village Board:

As you are aware, on May 6, 2019, the Village Board formed the Ad Hoc Ethics Review Committee. The purpose of the Committee was to review the Village's existing ethics ordinance and determine what improvements could be made to the Ethics Ordinance as well as to make recommendations to the Village Board on updates to the Ordinance. The members of the Ad Hoc Committee are:

Carole Griffin Ruzich – Attorney and former Village Board Member

Kevin Scanlan – Retired HR executive

Sean Kampas – Chairman of the Technology Committee and IT consultant

Ed Schussler - Former Village Board Member and current member of the Planning and Zoning Commission

Bill Healy, Chairperson – Accountant and Current Village Board Member

Since its formation, the Ad Hoc Committee has met on numerous occasions. The attached draft Ethics Ordinance is the result of countless hours of hard work and dedication. On behalf of the Ad Hoc Committee, I am please to present to you the attached draft Ethics Ordinance which has been unanimously recommended by the Ad Hoc Committee.

With regard to next steps in this process, the Ad Hoc Committee recomends the following:

1. March 2, 2020 - Presentation of the draft Ethics Ordinance at the March 2nd Committee of the Whole meeting. At this meeting, members of the Ad Hoc Committee will present and detail the draft ordinance. The Ad Hoc Committee will seek feedback from the Village Board.
2. March 3, 2020 – The draft Ethics Ordinance, along with a letter from the Ad Hoc Committee, will be emailed to all current Village board and commission members. Since the volunteer members of the Village's commissions and boards play a crucial role in the governance of our community, and the proposed Ethics Ordinance impacts them, it would be fair that they have an opportunity to pose any questions and comments.
3. March 17, 2020 (tentative) – The Ad Hoc Committee will regroup to review all stakeholder comments and questions. Based on the feedback received, the Ad Hoc Committee will regroup to see if any adjustments need to be made to the draft ordinance.
4. April 6, 2020 – The final proposed Ethics Ordinance will be presented to the Village Board of Trustees at the April 6, 2020 meeting.

Ultimately, the attached proposed Ethics Ordinance goes above and beyond what is required by State law, with the ultimate goal of ensuring that those placed in positions of trust are held to the highest ethical standards.

Very Respectfully,

Bill Healy

Chairman, Ad Hoc Ethics Committee

REQUEST FOR ACTION REPORT

File Number: **2020-0173**
Orig. Department: **Officials**
File Name: **Trustee Initiative - Andrew Corporation Site Environmental Status**

BACKGROUND:

Per a Trustee request, staff explored information that is publically available through the Illinois Environmental Protection Agency (IEPA) for the Andrew Corporation Property on 153rd Street. There is an extensive quantity of documentation available on-line. The current recorded No Further Remediation (NFR) letter (attached) includes the following conditions:

- * Engineering barriers are required in two areas along the railroad tracks;
- * There must be a groundwater use restriction on-site;
- * Land use is restricted to industrial/commercial users;
- * The NFR covers only the evaluation of Volatile Organic Compounds (VOC's), Polycyclic Aromatic Hydrocarbons (PNA's) and Resource Conservation and Recovery Act (RCRA) metals;
- * There is a requirement for building control technologies for any structure built on the site (i.e. vapor intrusion control to interior building spaces);
- * There is a requirement for a construction worker health and safety plan when working in certain areas of the site.

Andrew Corporation's environmental consultant also negotiated an Environmental Land Use Control agreement with the adjoining railroad track due to contamination migrating from the Andrews property onto the railroad property.

In 2015, the Village requested that the IEPA require Andrew Corporation to remediate the site to residential standards due to its current zoning; which permitted only residential type uses (see attached letter). The IEPA did not require such of Andrews Corporation; instead, issuing the NFR with the industrial/commercial land use restriction.

Also attached is a document which includes some pages from the Remedial Action Completion Report. The first 11 pages include the executive summary, introduction, and background.

In order to move the site to residential standards (which the IEPA also considers a "park" standard, based on other similar projects), a thorough evaluation of the historical documentation would need to be performed and additional investigation by a professional environmental engineering consultant would be required to verify current conditions.

BUDGET IMPACT:

None

REQUESTED ACTION:

Discussion Only

0312310003 - Cook
Orland Park/Andrew Corporation
SR/Tech

Environmental
1701 Golf Road, Suite T-1000
Rolling Meadows, IL 60008
(847) 258-8900
(847) 258-8901 (fax)
<http://www.erm.com>

August 27, 2015

ORIGINAL

Ms. P.J. Gebhardt
Illinois Environmental Protection Agency
Bureau of Land/RPMS #24
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

**RECORDED
NFR**



RE: Recorded Focused No Further Remediation Letter
0312310003/Cook County
Orland Park/Andrew Corporation
Site Remediation Program/Technical Reports

Dear Ms. Gebhardt:

Environmental Resources Management, Inc. (ERM) is submitting this letter on behalf of Andrew, LLC, the Remediation Applicant (RA). Enclosed is an original and one copy of the Focused No Further Remediation (NFR) letter dated August 19, 2015 concerning the subject site. The NFR letter was recorded with the Cook County Recorder of Deeds office on August 26, 2015.

We appreciate your assistance with this project. If you have any questions, please do not hesitate to contact me at 847-258-8900.

Sincerely,

Keith R. Fetzner, P.G.
Principal Consultant

IEPA-DIVISION OF RECORDS MANAGEMENT
RELEASABLE

SEP 15 2015

REVIEWER: JKS

Enclosure: Recorded Focused No Further Remediation Letter

CC: Joe Kvetensky (with enclosure)
William Toole, Esq. (with enclosure)
Andrew Masura, Orland Park Library - Andrew Site Repository (with enclosure)

RECEIVED

AUG 28 2015

IEPA/BOL

Certified Recorded No Further Remediation Letter

ORIGINAL

PREPARED BY:

Name: Ms. Joee Kvetensky
Andrew, LLC

Address: 1212 North 96th Street
Omaha, Nebraska, 68114



Doc#: 1523855065 Fee: \$58.00
RHSP Fee: \$9.00 RPRF Fee: \$1.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 08/26/2015 03:07 PM Pg: 1 of 11

**RECORDED
NFR**

RETURN TO:

Name: Ms. Joee Kvetensky
Andrew, LLC

Address: 1212 North 96th Street
Omaha, Nebraska, 68114

**RECEIVED
AUG 28 2015
IEPA/BOL**

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: 0312310003

Andrew, LLC, the Remediation Applicant, whose address is 1212 North 96th Street, Omaha, Nebraska, 68114, 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:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 8 AND THE SOUTHWEST QUARTER OF SECTION 9 AND THE NORTHWEST QUARTER OF SECTION 16 AND THE NORTHEAST QUARTER OF SECTION 17 ALL IN TOWNSHIP 36 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF LOT 102 IN CRYSTAL TREE BEING A SUBDIVISION OF PART OF THE EAST HALF OF SAID SECTION 8 ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENTS LR3653642 AND 87520779; THENCE NORTH 88°20'28" EAST 722.91 FEET ALONG THE SOUTH LINE OF SAID LOT 102, TO A BEND; THENCE NORTH 47°13'03" EAST 367.95 FEET ALONG A SOUTHEASTERLY LINE OF SAID LOT 102, TO A BEND; THENCE NORTH 30°06'19" EAST 326.46 FEET ALONG A SOUTHEASTERLY LINE OF SAID LOT 102, TO A BEND; THENCE SOUTH 83°39'36" EAST 156.93 FEET ALONG A SOUTHERLY LINE OF SAID LOT 102, TO THE POINT OF BEGINNING; THENCE NORTH 00°53'29" WEST 198.33 FEET ALONG AN EAST LINE OF SAID LOT 102, TO A BEND; THENCE NORTH 89°16'19" EAST 1208.88 FEET ALONG THE EASTERNMOST SOUTH LINE OF SAID LOT 102, TO THE SOUTHEAST CORNER OF SAID LOT 102; THENCE NORTH 89°14'25" EAST 392.95 FEET ALONG THE SOUTH LINE OF WEDGWOOD TRAILS A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SAID SECTION 9 ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NO.

25149463, TO THE WESTERLY LINE OF THE NORFOLK AND WESTERN RAILROAD (FORMERLY THE WABASH, ST. LOUIS AND PACIFIC RAILROAD); THENCE SOUTH 16°41'23" WEST 1199.23 FEET ALONG SAID WESTERLY LINE, TO A POINT OF CURVE; THENCE SOUTHERLY 617.48 FEET ALONG THE WESTERLY LINE OF SAID NORFOLK AND WESTERN RAILROAD BEING THE ARC OF A CIRCLE 4061.00 FEET RADIUS CONVEX WESTERLY, TO A POINT TANGENCY; THENCE SOUTH 07°58'41" WEST 451.90 FEET ALONG THE WESTERLY LINE OF SAID NORFOLK AND WESTERN RAILROAD, TO THE NORTH LINE OF THE PROPERTY CONVEYED PER DOCUMENT NO. 0618045091; THENCE SOUTH 88°25'00" WEST 1428.80 FEET ALONG SAID NORTH LINE, TO THE SOUTHERNMOST EAST LINE OF THE PROPERTY CONVEYED PER DOCUMENT NO. 0314701132, THENCE NORTH 01°56'31" WEST 793.01 FEET ALONG SAID EAST LINE, TO A BEND; THENCE NORTH 54°08'16" EAST 223.86 FEET ALONG A SOUTHEASTERLY LINE OF SAID PROPERTY CONVEYED PER DOCUMENT NO. 0314701132, TO A BEND; THENCE NORTH 74°56'16" EAST 134.14 FEET ALONG A SOUTHEASTERLY LINE OF SAID PROPERTY CONVEYED PER DOCUMENT NO. 0314701132, TO A BEND; THENCE NORTH 02°16'16" WEST 511.17 FEET ALONG AN EAST LINE OF SAID PROPERTY CONVEYED PER DOCUMENT NO. 0314701132, TO A BEND; THENCE NORTH 10°45'44" EAST 559.95 FEET ALONG AN EASTERLY LINE OF SAID PROPERTY CONVEYED PER DOCUMENT NO. 0314701132, TO THE HEREIN DESIGNATED POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

2. Common Address: 10500 West 153rd Street in Orland Park, IL
3. Real Estate Tax Index/Parcel Index Number: 27-08-405-006 and 27-17-201-018
4. Remediation Site Owner: Andrew, LLC
5. Land Use: Industrial/Commercial
6. Site Investigation: Focused

See NFR letter for other terms.

(Illinois EPA Site Remediation Program Environmental Notice)



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

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

BRUCE RAUNER, GOVERNOR

LISA BONNETT, DIRECTOR

(217) 524-3300

August 19, 2015

CERTIFIED MAIL

7013 2630 0001 4702 6064

Ms. Joe Kvetensky
Andrew, LLC
1212 North 96th Street
Omaha, Nebraska, 68114

Re: 0312310003 -- Cook County
Orland Park/Andrew Corporation
Site Remediation/Technical Reports
No Further Remediation Letter

Dear Ms. Kvetensky:

The *Focused Remedial Action Completion Report* (received March 24, 2015/Log No. 15-59022), as prepared by Environmental Resources Management, 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, including the indoor inhalation pathway, are above the existing concentrations of regulated substances and that the remedial action was completed in accordance with the *Remedial Action Plan* (received August 2, 2013/Log No. 13-54507) and 35 Illinois Administrative Code Part 740.

The Remediation Site, consisting of 75 acres, is located at 10500 West 153rd Street, Orland Park, 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 (August 10, 2015/Log No. 15-60113), is Andrew, LLC.

This focused 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 for the specified recognized environmental conditions so long as the Site is utilized in accordance with the terms of this Letter.

4302 N. Main St., Rockford, IL 61103 (815) 987-7760
595 S. State, Elgin, 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

Conditions and Terms of Approval

Level of Remediation and Land Use Limitations

- 1) The recognized environmental conditions characterized by the focused site investigation and successfully addressed, consist of the contaminants of concern identified in the attached Table A.
- 2) The Remediation Site is restricted to industrial/commercial land use.
- 3) 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:

- 4) At a minimum, a safety plan should be developed to address possible worker exposure in the event that any future excavation and construction activities may occur within the contaminated soil (see attached Site Base Map for location of Construction Worker Caution areas). Any excavation within the contaminated soil will require implementation of a safety plan consistent with NIOSH Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities, OSHA regulations (particularly in 29 CFR 1910 and 1926), state and local regulations, and other USEPA guidance. Soil excavated below the surface must be returned to the same depth from which it was excavated or properly managed or disposed in accordance with applicable state and federal regulations.

Engineering Controls:

- 5) The asphalt barrier, as shown on the attached Site Base Map, must remain over the contaminated soils. This asphalt barrier must be properly maintained as an engineered barrier to inhibit inhalation of the contaminated media.

Institutional Controls:

- 6) No building shall be occupied within the area depicted on the attached Site Base Map unless a Building Control Technology ("BCT") meeting the requirements of 35 Illinois Administrative Code Part 742 Subpart L is operational prior to human occupancy. This BCT must be properly maintained to address the indoor inhalation pathway. If the BCT becomes inoperable, the site owner/operator shall notify building occupants and workers to implement protective measures. Failure to maintain the BCT shall be grounds for voidance of this No Further Remediation letter.
- 7) No person shall construct, install, maintain, or operate a well at the Remediation Site. All water supplies and water services for the Remediation Site must be obtained from a public water supply system. The provisions of this institutional control shall be applicable to all water usage (e.g., domestic, industrial/commercial uses and outdoor watering).
- 8) The Environmental Land Use Control ("ELUC") filed May 28, 2013 with the Cook County Recorder's office for the real property located at Norfolk Southern Parcels 1 and 2 (east adjacent railroad property to the Andrew, LLC property approximately between 153rd and 159th Streets in Orland Park), must remain effective. Unless other remedies that may be available are satisfied, failure to comply with the limitations or requirements of the recorded ELUC may result in voidance of this NFR Letter

Other Terms

- 9) 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.
- 10) 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, IL 62794-9276

- 11) 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;
- 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.

12) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:

- a) Andrew, LLC;
- 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;

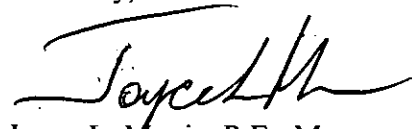
- j) Any financial institution, as that term is defined in Section 2 of the Illinois Banking Act and to include the Illinois Housing Development Authority, that has acquired the ownership, operation, management, or control of the Remediation Site through foreclosure or under the terms of a security interest 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.
- 13) 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 Andrew Corporation property.
- 14) 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:

Ms. P.J. Gebhardt
Illinois Environmental Protection Agency
Bureau of Land/RPMS #24
1021 North Grand Avenue East
Post Office Box 19276
Springfield, IL 62794-9276

- 15) 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 Andrew Corporation property, you may contact the Illinois EPA project manager, Barbara Landers at 217-557-6939 or barb.landlers@illinois.gov.

Sincerely,



Joyce L. Munie, P.E., Manager
Remedial Project Management Section
Division of Remediation Management
Bureau of Land

WLD

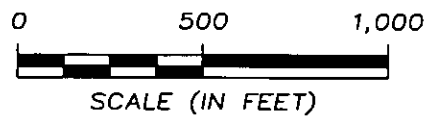
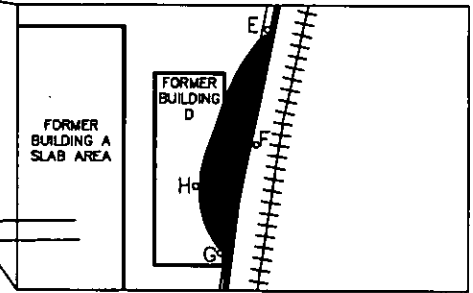
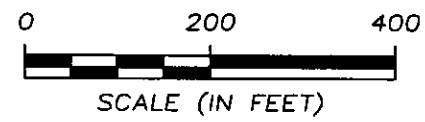
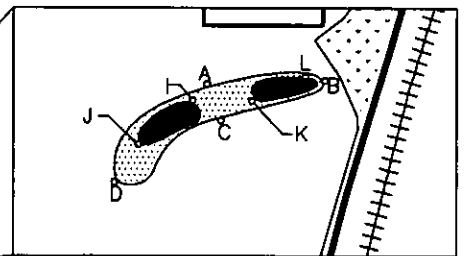
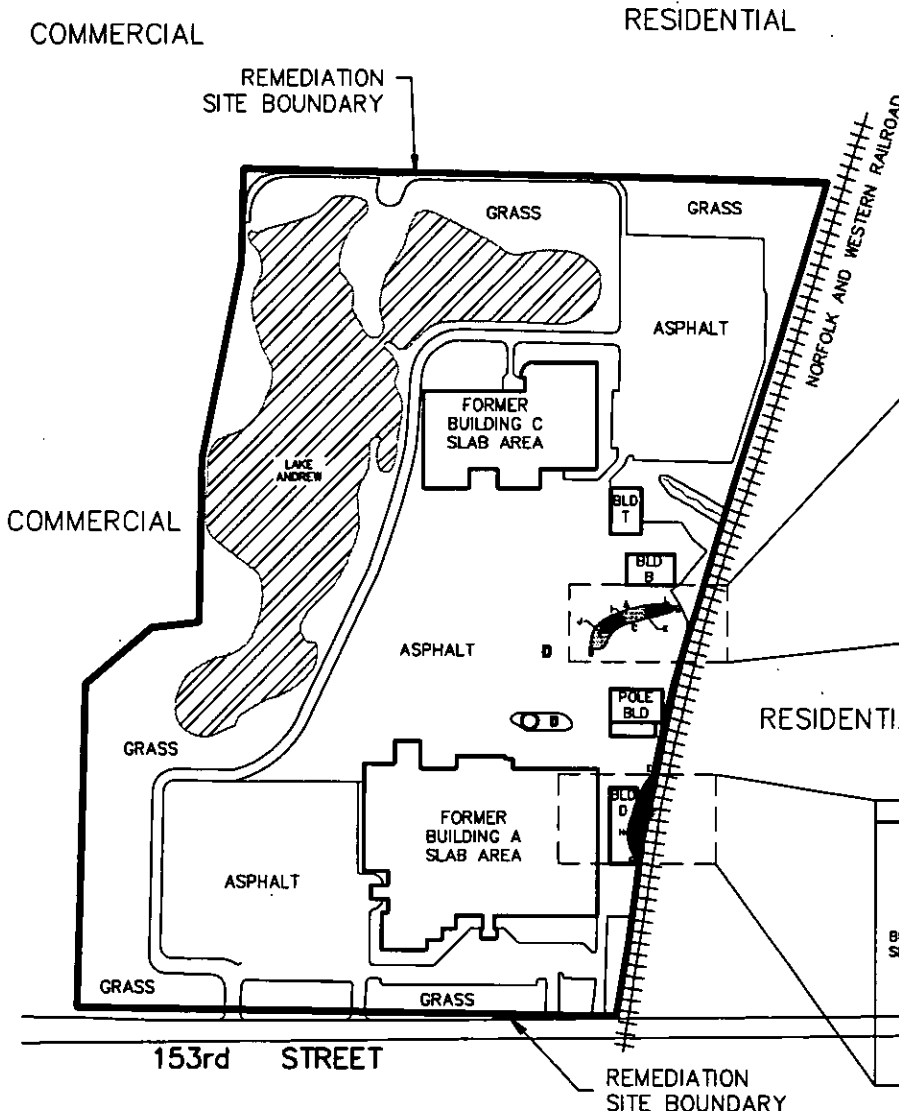
Attachments: Illinois EPA Site Remediation Program Environmental Notice
Site Base Map
Table A: Regulated Substances of Concern
Property Owner Certification of No Further Remediation Letter under the Site
Remediation Program Form
Instructions for Filing the NFR Letter

cc: Keith R. Fetzner
Environmental Resources Management, Inc.
1701 Golf Road, Suite 1-1000
Rolling Meadows, Illinois 60008

Bureau of Land File
Ms. P.J. Gebhardt

SITE BASE MAP
 0312310003/COOK COUNTY
 ORLAND PARK/ANDREW CORPORATION
 SITE REMEDIATION PROGRAM/TECHNICAL REPORT

Point Coordinates (NAD 1983 IL State Plane East (CORS96))		
Point	Northing	Easting
A	1802624.81	1110067.84
B	1802627.84	1110185.86
C	1802596.33	1110086.91
D	1802497.89	1109967.11
E	1802186.36	1110151.09
F	1802052.68	1110123.14
G	1801962.75	1110103.69
H	1802021.08	1110065.41
I	1802590.93	1110063.56
J	1802542.30	1109999.31
K	1802605.21	1110124.68
L	1802613.24	1110180.90



- LEGEND**
- ASPHALT PAVEMENT ENGINEERED BARRIER AREA
 - CONSTRUCTION WORKER CAUTION AREA

NOTE: SITE BUILDINGS WERE REMOVED TO THE SLABS IN 2013

REVISIONS TO BE MADE ON THE CADD FILE ONLY

08/06/2015



ANDREW CORPORATION, LLC

10500 W 153RD STREET
ORLAND PARK, ILLINOIS

Environmental Resources Management

CADD Review MAB

CHK'D KF

0240393

FIGURE A

S:\Vedra\0240393 - NAPL Remediation\CADD\DWG\0108238-02.dwg

TABLE A: Regulated Substances of Concern

0312310003 -- Cook County
Orland Park/Andrew Corporation
Site Remediation/Technical Reports

Volatile Organic Compounds (VOCs)	
CAS No.	Compound Name
67-64-1	Acetone
71-43-2	Benzene
75-27-4	Bromodichloromethane
75-25-2	Bromoform
74-83-9	Bromomethane
78-93-3	2-Butanone
75-15-0	Carbon Disulfide
56-23-5	Carbon Tetrachloride
108-90-7	Chlorobenzene
75-00-3	Chloroethane
67-66-3	Chloroform
74-87-3	Chloromethane
124-48-1	Dibromochloromethane
75-34-3	1,1-Dichloroethane
107-06-2	1,2-Dichloroethane
75-35-4	1,1-Dichloroethene
540-59-0	1,2-Dichloroethene (total)
156-59-2	cis-1,2-Dichloroethene
156-60-5	trans-1,2-Dichloroethene
78-87-5	1,2-Dichloropropane
10061-02-6	trans-1,3-Dichloropropene
10061-01-5	cis-1,3-Dichloropropene
100-41-4	Ethylbenzene
591-78-6	2-Hexanone
75-09-2	Methylene Chloride
108-10-1	4-Methyl-2-Pentanone
1634-04-4	Methyl tert-butyl ether
100-42-5	Styrene
79-34-5	1,1,2,2-Tetrachloroethane
127-18-4	Tetrachloroethene
71-55-6	1,1,1-Trichloroethane
79-00-5	1,1,2-Trichloroethane
79-01-6	Trichloroethene
108-88-3	Toluene
75-01-4	Vinyl Chloride
1330-20-7	Xylenes (total)

Polynuclear Aromatic Compounds (PNAs)	
CAS No.	Compound Name
208-96-8	Acenaphthalene
83-32-9	Acenaphthene
120-12-7	Anthracene
56-55-3	Benzo(a)anthracene
205-99-2	Benzo(b)fluoranthene
207-08-9	Benzo(k)fluoranthene
191-24-2	Benzo(g,h,i)perylene
50-32-8	Benzo(a)pyrene
218-01-9	Chrysene
53-70-3	Dibenzo(a,h)anthracene
206-44-0	Fluoranthene
86-73-7	Fluorene
193-39-5	Indeno(1,2,3-cd)pyrene
91-20-3	Naphthalene
85-01-8	Phenanthrene
129-00-0	Pyrene

Inorganics	
CAS No.	Compound Name
7440-38-2	Arsenic
7440-39-3	Barium
7440-43-9	Cadmium
7440-47-3	Chromium
7439-92-1	Lead
7439-97-6	Mercury
7782-49-2	Selenium
7440-22-4	Silver



I CERTIFY THAT THIS
IS A TRUE AND CORRECT COPY

OF DOCUMENT # 1523853065

AUG 26 2015



RECORDER OF DEEDS—COOK COUNTY

Office R.M by S.A





15-59502

0312310003 - Cook

20 N. Wacker Drive, Ste 1660
Chicago, Illinois 60606-2903
T 312 984 6400 F 312 984 6444

15010 S. Ravinia Avenue, Ste 10
Orland Park, Illinois 60462-5353
T 708 349 3888 F 708 349 1506

DD 708 349-3888
dgwaish@ktjlaw.com

Orland Park / Andrew Corp
www.ktjlaw.com SRTech

May 11, 2015

FILE COPY

Via E-Mail Barb.Landers@illinois.gov

Ms. Barb Landers
Illinois Environmental Protection Agency
Bureau of Land
Remedial Project Management Section
Site Remediation Program
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

EPA - DIVISION OF RECORDS MANAGEMENT
RELEASED

JUN 05 2015

REVIEWER MED

RE: Focused Remedial Action Completion Report
LPC# 0312310003 - Cook County
Former Andrew Corporation Facility
10500 West 153rd Street
Orland Park, Illinois

RECEIVED

MAY 18 2015

IEPA/BOL

Dear Ms. Landers:

Please be advised that the undersigned represents the Village of Orland Park. I am writing to you because it is my understanding that you are the SRP Project Manager for the above-captioned site. The Village has reviewed the March, 2015 Focused Remedial Action Completion Report ("RACR") submitted by Environmental Resources Management ("ERM") on behalf of Remediation Applicant Andrew, LLC and remains very much concerned that the Remediation Applicant has submitted the RACR based on risk calculations for, and is pursuing a focused industrial-commercial use No Further Remediation ("NFR") letter through the Illinois Site Remediation Program. The Village has, in the past, met with and been in communication with representatives for Andrew, LLC and shared with the Remediation Applicant that in our view the prior reports do not adequately characterize existing site conditions, and in any event, a site-wide industrial-commercial property use restriction is not appropriate for this site. Simply put, this property is zoned for residential use only. It is located in a residential area of the Village. The surrounding property uses are residential to the east and residential and recreation to the north and west. The property to the south of the site has been developed into multi-unit residential properties. The Village has informed representatives of Andrew, LLC, and it is hereby putting the IEPA on notice that it has no intention of changing the zoning from a residential use to an industrial or commercial use and that it is the Village's position that the only appropriate cleanup standard for this site, given the only legally allowed end use of the property, is a residential standard. This is clearly different from a situation wherein the property is zoned for commercial or industrial use and the Remediation Applicant is obtaining a residential cleanup standard. Instead, the site is zoned

Ms. Barb Landers

Illinois Environmental Protection Agency

May 11, 2015

Page 2

for residential use, and Andrew, LLC is relying on an industrial-commercial use designation and as such the industrial-commercial land use restriction would be recorded on the property deed as part of the NFR letter. Any residential development of the site would result in avoidance of the NFR letter. As such, the Village would ask that the IEPA approve only a Remedial Action Completion Report that would allow for an end use of the site that is consistent with the site's zoning regulations.

Thank you for the opportunity to provide the Village of Oriand Park's position on this matter. Of course, if you should have any questions or would like to discuss this matter, please do not hesitate to call me.

Very truly yours,

KLEIN THORPE AND JENKINS, LTD.



Dennis G. Walsh

cc: E. Kenneth Friker, Esq.
Paul Grimes, Village Manager
Karie Friling, Director of Development Services
Greg Dunn, IEPA

Vol 1 of 3

15-59022

0312310003 - Cook
Orland Pk. / Andrew Corp
SRTech

Environmental
Resources
Management

FILE COPY

March 11, 2015

1701 Golf Road
Suite 1-700
Rolling Meadows, IL
60008-4242

+1 847 258 8900
+1 847 258 8901 (fax)

Mr. Ed Salch
Illinois Environmental Protection Agency
Bureau of Land
Remedial Project Management Section
Site Remediation Program
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276



ERM

RE: Focused Remedial Action Completion Report
LPC# 0312310003 - Cook County
Former Andrew Corporation Facility
10500 West 153rd Street
Orland Park, Illinois

Dear Mr. Salch:

On behalf of on behalf of Andrew, LLC, Environmental Resources Management, Inc. (ERM) is submitting one original and one copy of the enclosed Focused Remedial Action Completion Report (RACR) for the subject site (the "Site") for review and approval.

This report presents the successful remedial actions completed as proposed in the ERM's *Focused Remedial Action Plan* dated July 2013.

Please feel free to contact me at 847-258-8983 with any questions or comments.

Sincerely,

Keith R. Fetzner

Keith R. Fetzner, P.G.
Principal Consultant

Enclosure: Focused Remedial Action Completion Report

CC: Joe Kvetensky (with enclosure)
William Toole, Esq. (with enclosure)
Andrew Masura, Orland Park Library - Andrew Site Repository (with enclosure)

IEPA-DIVISION OF RECORDS MANAGEMENT
RELEASABLE

RECEIVED

MAR 24 2015

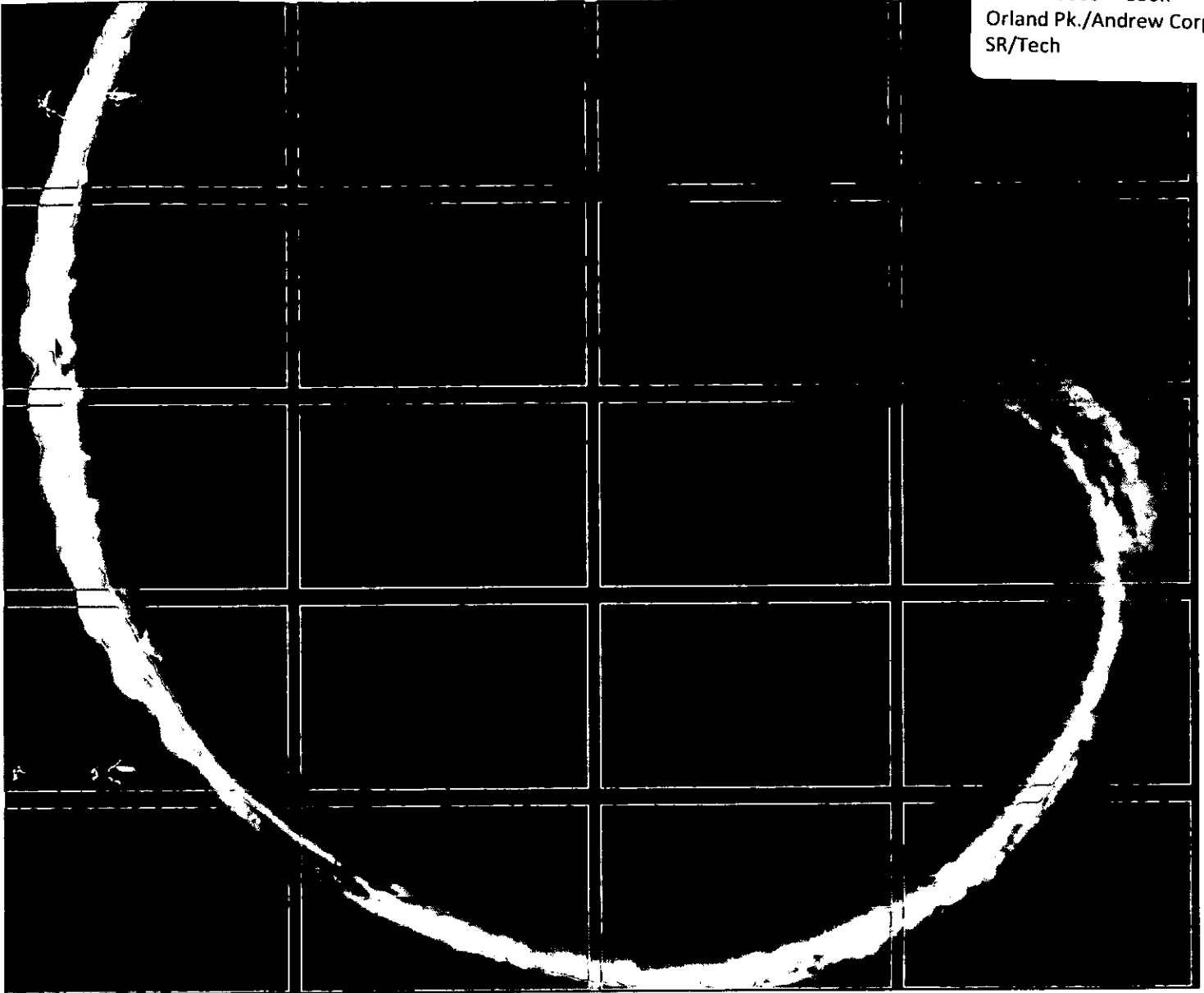
IEPA/BOL

APR 10 2015

REVIEWER: MJK

15-59022

0312310003 – Cook
Orland Pk./Andrew Corp
SR/Tech



RECEIVED
MAR 24 2015
IEPA/BOL

Focused Remedial Action Completion Report

Andrew, LLC
LPC# 0312310003
10500 WEST 153rd STREET
ORLAND PARK, ILLINOIS

March 2015

www.erm.com

FILE COPY

RM
12/15/14

Andrew, LLC

**Focused Remedial Action
Completion Report**
*10500 West 153rd Street
Orland Park, Illinois*

March 2015

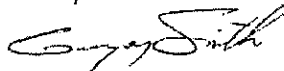
Project Number: 0240393



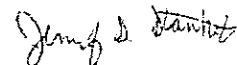
Daniel Petersen, Ph. D, P.G.
Partner-in-Charge



Keith R. Fetzner, P.G.
Principal Consultant



Greg Smith, P.E., P.G.
Technical Consultant



Jennifer Stanhope, P.E.
Project Manager

Environmental Resources Management
1701 Golf Road, Suite 1-700
Rolling Meadows, IL 60008
847-258-8900
847-258-8901 (fax)

TABLE OF CONTENTS

EXECUTIVE SUMMARY..... I

1.0 INTRODUCTION.....1

1.1 SITE DESCRIPTION.....1

1.2 BACKGROUND.....3

2.0 FIELD ACTIVITIES6

2.1 DESCRIPTION OF THE REMEDIATION WORK.....6

 2.1.1 *Permitting*.....6

 2.1.2 *ERH System Installation*.....7

 2.1.3 *ERH System Operation*.....9

2.2 INTERIM AND CONFIRMATION SAMPLING.....9

 2.2.1 *Interim Sampling*.....9

 2.2.2 *Inorganic Groundwater Chemistry*.....11

 2.2.3 *Dissolved Gas Concentrations*.....12

 2.2.4 *Compound Specific Isotope Analysis*.....13

 2.2.5 *Confirmation Sampling*.....14

3.0 TIER 2 GROUND WATER EVALUATION.....17

**3.1 GROUND WATER COMPONENT OF THE CLASS II GROUND WATER
 INGESTION PATHWAY.....17**

 3.1.1 *Characterization of the Extent for the Tier 2 Remediation Objective
 (35 IAC 742.805(a)[1])*.....17

 3.1.2 *Removal of Free Product (35 IAC 742.805(a)[2])*.....17

 3.1.3 *Use of Equation R26 to Demonstrate Compliance with Tier 1 at the Point
 of Exposure (35 IAC 742.805(a)[3])*.....17

 3.1.4 *Concentrations within Setback Zones (35 IAC 742.805(a)[4])*.....19

 3.1.5 *Concentrations at the Point of Discharge to the Nearest Surface Water (35
 IAC 742.805(a)[5])*.....19

3.1.6 MIXTURE RULE FOR GROUND WATER.....20

**3.2 SOIL COMPONENT OF THE CLASS II GROUND WATER INGESTION
 PATHWAY.....20**

 3.2.1 *Use of Equation R26 to Demonstrate Compliance with Tier 1 at the Point
 of Exposure (35 IAC 742.805(a)[3])*.....20

3.2.2	Concentrations at the Point of Discharge to the Nearest Surface Water (35 IAC 742.805(a)[5])	21
4.0	TIER 2 EVALUATION OF THE SOIL INHALATION PATHWAY	22
4.1	UPDATED TIER 2 ROS FOR THE INDUSTRIAL-COMMERCIAL AND CONSTRUCTION WORKER OUTDOOR INHALATION PATHWAYS	22
4.2	MIXTURE RULE.....	22
5.0	SPECIAL CONDITIONS.....	24
5.1	LAND USE RESTRICTIONS	24
6.0	EFFECTIVENESS OF THE REMEDIAL ACTION.....	26
7.0	SUMMARY	27

LIST OF FIGURES

Figure 1-1	Site Location Map
Figure 1-2	Site Layout Map
Figure 1-3	Suspected NAPL Impact Location Map
Figure 2-1	Remediation System Layout and Sample Location Map
Figure 2-2	Ground Water Surface Potentiometric Map November 2014
Figure 2-3	Piper Trilinear Diagram of Major Ions
Figure 2-4	1,1,1-Trichloroethane Compound Specific Isotope Analytical Data Summary Graph
Figure 2-5	Trichloroethene Compound Specific Isotope Analytical Data Summary Graph
Figure 3-1	Source Dimensions for Ground Water Migration Calculations
Figure 3-2	Migration Distances for Ground Water Migration Calculations
Figure 5-1	Engineered Barrier and Construction Worker Caution Areas Map

LIST OF TABLES

Table 2-1	Interim Sampling Field and Laboratory Measured Ground Water Quality and Dissolved Gas Data
Table 2-2	Interim Ground Water Sampling Volatile Organic Compound Analytical Results
Table 2-3	Interim and Confirmation Ground Water Sampling Isotope Analytical Results
Table 2-4	Confirmation Soil Sampling Volatile Organic Compound Analytical Results
Table 2-5	Confirmation Ground Water Sampling Volatile Organic Compound Analytical Results

Table 2-6	<i>Past Investigation and Remediation Confirmation Soil Sampling Volatile Organic Compound Analytical Results</i>
Table 2-7	<i>Past Investigation and Remediation Confirmation Ground Water Sampling Volatile Organic Compound Analytical Results</i>
Table 3-1	<i>Summary of the Ground Water Migration Calculations</i>
Table 3-2	<i>Summary of the Soil Component of Ground Water Migration Calculations</i>
Table 4-1	<i>Cumulative Risk Calculations for the Industrial-Commercial Worker Outdoor Inhalation Pathway</i>
Table 4-2	<i>Cumulative Risk Calculations for the Construction Worker Inhalation Pathway</i>

APPENDICES

Appendix A	<i>DRM-2 FORM</i>
Appendix B	<i>Air Permit Documents</i>
Appendix C	<i>Photo Log</i>
Appendix D	<i>Soil Boring and Monitoring Well Logs</i>
Appendix E	<i>Waste Disposal Records</i>
Appendix F	<i>Interim Ground Water Sample Volatile Organic Compound and Dissolved Gases Sample Laboratory Analytical Reports</i>
Appendix G	<i>Interim and Confirmation Ground Water Isotope Sample Laboratory Analytical Reports</i>
Appendix H	<i>Confirmation Soil Sample Volatile Organic Compound Laboratory Analytical Reports</i>
Appendix I	<i>Confirmation Ground Water Sample Volatile Organic Compound Laboratory Analytical Reports</i>
Appendix J	<i>Tier 2 Remediation Objective Calculations for the Ground Water Component of the Ground Water Ingestion Exposure Route</i>
Appendix K	<i>Tier 2 Remediation Objective Calculations for the Soil Component of the Ground Water Ingestion Exposure Route</i>
Appendix L	<i>Tier 2 Remediation Objective Calculations for the Outdoor Inhalation Pathway</i>
Appendix M	<i>Site Legal Description and NFR Letter Base Map</i>

EXECUTIVE SUMMARY

Environmental Resources Management, Inc. (ERM) prepared this Focused Remedial Action Completion Report (RACR) on behalf of the Remedial Applicant, Andrew, LLC (Andrew), regarding the site located at 10500 West 153rd Street in Orland Park, Illinois (the "Site").

Andrew is pursuing a focused industrial-commercial use No Further Remediation (NFR) letter through the Illinois Environmental Protection Agency's (IEPA) Site Remediation Program (SRP). This RACR addresses the last of three tasks necessary for the issuance of the NFR letter, specifically remediation of chlorinated solvent, non-aqueous phase liquid (NAPL) located on the northern portion of the Site. The first of the three tasks involved recording the IEPA-approved environmental land use control (ELUC) prohibiting the use of ground water on the eastern adjoining Norfolk Southern Railroad right-of way parcel in May 2013. The second involved the removal of a concrete floor impacted by polychlorinated biphenyls (PCBs) in the summer of 2013. The remediation was documented in the *Focused Remedial Action Completion Report* dated November 2013, which was approved by the IEPA in a letter dated January 23, 2014. The final action was remediation of solvent NAPL impact proposed in ERM's *Remedial Action Plan* dated July 2013 (the "2013 RAP"), which is described in this report.

In 2011 and 2012, NAPL was found at various depths up to 16 to 20 feet below ground surface (BGS) in two areas approximately 1,000 square feet (ft²) and 3,000 ft² in area located south of former Building B near the zero valent iron remediation pilot study area. The NAPL consisted primarily of 1,1,1-trichloroethane (1,1,1-TCA), but also contained a mixture of other chlorinated and non-chlorinated volatile organic compounds (VOCs) including trichloroethene (TCE), tetrachloroethene (PCE), xylenes, acetone, and various degradation products.

In the approved 2013 RAP, Andrew outlined a pathway for obtaining a focused NFR letter that included the exclusion of the exposure routes of concern (i.e., the industrial-commercial and construction worker outdoor inhalation, indoor inhalation, and ground water ingestion pathways) and removal of free product to the extent practicable (Title 35, Illinois Administrative Code (IAC), 742.320) and the selected remediation technology was *in situ* Electrical Resistance Heating (ERH). The ERH system was installed from June to September 2014 and operated from September to November 2014. The ERH system increased the average subsurface temperature from nominally 15 °C to 83.5 °C which promoted vaporization of 1,1,1-TCA and other VOCs in the NAPL-impacted areas. The subsurface heating also enhanced the rate of degradation of 1,1,1-TCA

and volatilization of the other dissolved gases which aided in the volatilization of VOCs. Interim sampling suggested that the NAPL removal was completed by mid-November 2014, approximately seven weeks after startup. No NAPL was observed during confirmation soil and ground water sampling in the two remediation areas conducted between November 2014 and January 2015 and the detected VOC concentrations are not indicative of the presence of NAPL.

Based on the completion of the remedial actions described in this report, ERM respectfully requests that the IEPA approve the completed remedial action for the NAPL and issue a focused NFR letter incorporating the environmental land use controls and engineering controls proposed in the 2013 RAP. The proposed land use controls and engineering controls consist of the following:

- A site-wide industrial-commercial property use restriction;
- Engineered barriers in accordance with 35 IAC 742 1105(c)(3) in the area shown on Figure 5-1 to exclude the industrial-commercial outdoor inhalation exposure route (the area is currently paved with asphalt);
- Construction worker caution in the areas shown on Figure 5-1;
- A site-wide ground water use restriction; and
- Site-wide requirement for installation and operation of a building control technology in accordance with 35 IAC 742 Subpart L to exclude the indoor inhalation exposure route.

The Site Remediation Program DRM-2 form is included in Appendix A of this report.

1.0

INTRODUCTION

Environmental Resources Management, Inc. (ERM) prepared this Focused Remedial Action Completion Report (RACR) on behalf of the Remedial Applicant (RA), Andrew, LLC (Andrew), regarding the site located at 10500 West 153rd Street in Orland Park, Illinois (the "Site"). Figures 1-1 and 1-2 show the Site location and layout. Note that Andrew demolished the buildings at the Site in 2013 and that Figure 1-2 shows the Site layout before the demolition activities.

Andrew is pursuing a focused industrial-commercial use No Further Remediation (NFR) letter through participation in the Illinois Environmental Protection Agency's (IEPA) Site Remediation Program (SRP). This RACR addresses the last of three tasks necessary for the NFR letter, specifically remediation of chlorinated solvent non-aqueous phase liquid (NAPL) located on the northern portion of the Site. The following sections further describe the Site, past investigations, and remedial actions conducted regarding the chlorinated solvent NAPL.

1.1

SITE DESCRIPTION

The Site consists of approximately 75 acres of land located west of the Norfolk Southern Railroad, north of 153rd Street, east of 108th Avenue and south of 143rd Street in Orland Park, Illinois (Figures 1-1 and 1-2).

The Site was formerly improved with six main buildings ranging in size from 9,730 square feet (ft²) to 345,815 ft². Two former water supply wells used for the former industrial processes were previously located on the Site and were abandoned in December 2012 as described in ERM's letter report submitted to the IEPA on March 11, 2013. The Site also includes an 11.5-acre drainage retention pond (also known as Lake Andrew) located in the northwestern portion of the Site.

The surrounding property uses are residential to the east and residential and recreational (golf course) to the north and west. The property south of the Site is currently being redeveloped into multi-unit residential properties. A Norfolk Southern railroad line is located along the eastern Site boundary.

As described in reports previously submitted to the IEPA, the Site has been unoccupied since 2007 when Andrew moved operations to other facilities. The historical operations at the Site included the manufacture of communication equipment, antennas, connectors, and antenna cables for

the telecommunications industry from 1954, when the first portion of Building A was constructed, to 2007. Andrew demolished the Site buildings in 2013.

BACKGROUND

ERM's *Focused Site Investigation and Remediation Objectives Report* dated July 2010 (the "FSIROR") describes past investigations that have been conducted at the Site since 2005. The investigation activities included the collection of soil, ground water, surface water, and sediment samples, and analyses for volatile organic compounds (VOCs), polynuclear aromatic hydrocarbons (PNAs), polychlorinated biphenyls (PCBs), Resource Conservation and Recovery Act (RCRA) metals, and total hexavalent chromium.

Concentrations of chlorinated VOCs, namely 1,1,1-trichloroethane (1,1,1-TCA), trichloroethene (TCE), and tetrachloroethene (PCE) were identified in soil and ground water in two areas of the Site ("North Area" and "South Area") at concentrations above the Tier 1 soil or ground water remediation objectives (ROs) in Title 35, Illinois Administrative Code (IAC), Part 742 (35 IAC 742) entitled *Tiered Approach to Corrective Action Objectives* (TACO). The source of the VOCs detected at the Site is unknown, but is suspected to be related to the historical use of solvents at the Site.

Additional investigations were conducted on the eastern adjoining residential properties in the fall of 2010 to assess the presence of VOCs to the east of the Site. No off-site impacts were found beyond the Norfolk Southern Railroad right-of-way. Potential impacts that may have migrated onto the adjoining railroad right-of-way are addressed with the IEPA-approved environmental land use control (ELUC) implemented on the railroad right-of-way in May 2013, which prohibits the use of ground water and eliminates the potential exposure route of concern.

Andrew conducted a pre-demolition building materials survey in 2011 that identified polychlorinated biphenyl (PCB) concentrations in a portion of the main facility (former Building A) concrete floor that were above the unrestricted use TACO Tier 1 ROs. The source of the PCBs was unknown. ERM submitted a *Focused Remedial Action Plan* dated February 2012 (the "2012 RAP") to remove and dispose of the concrete floor during building demolition. The 2012 RAP was approved by the IEPA in February 2013, and the work was completed from August 2013 to September 2013. Remedial activities for the PCB impacted concrete are described in ERM's *Focused Remedial Action Completion Report* dated November 2013, which was approved by the IEPA in a letter dated January 23, 2014.

A pilot remediation study involving the introduction of approximately 21 tons of zero valent iron (ZVI) and 16.5 tons of bentonite was conducted in

October 2010 pursuant to the *ZVI/Clay In-Situ Pilot Study Work Plan* dated August 19, 2010, as described in the *Zero Valent Iron/Clay In-Situ Remediation Pilot 3-Month Status Report* dated May 2011. Later that year NAPL was detected in the North Area during ground water monitoring conducted in connection with the ZVI/bentonite remediation pilot study. The NAPL consisted primarily of 1,1,1-TCA, but also contained a mixture of other chlorinated and non-chlorinated VOCs including TCE, PCE, xylenes, acetone, and various degradation products. The presence of the NAPL impacted the effectiveness of the pilot study.

The NAPL had not been detected during prior investigations and the extent was not known. To further evaluate the NAPL, ERM conducted additional investigation of the extent from August 2012 to November 2012 as described in ERM's *Northern Impacted Area Additional Site Investigation* dated March 2013 (the "*NAPL Investigation Report*") approved by the IEPA in a letter dated April 11, 2013. The investigation identified two areas of detectable or potential free-phase NAPL:

- The eastern area, adjacent to the pilot study area, contains detectable NAPL and is approximately 3,000 ft² in area to a depth between 16-20 below ground surface (BGS); and
- The western area, located 100 feet west of the pilot study area, is approximately 1,000 ft² in area and to a similar depth as the eastern area. NAPL was not detected in the western area, however, VOC concentrations in the soil and ground water suggest the likely presence of NAPL in this location.

The two areas are shown on Figure 1-3.

Andrew anticipates obtaining a focused NFR letter incorporating an industrial-commercial use restriction through the exclusion of the exposure routes of concern. The exposures routes of concern are (1) industrial-commercial and construction worker outdoor inhalation, (2) indoor inhalation, and (3) ground water ingestion. A requirement for exclusion of the ground water ingestion exposure route is the removal of free product to the extent practicable (Title 35, Illinois Administrative Code (IAC), 742.320). As a result, corrective action was necessary to remediate the NAPL to the extent practicable. ERM submitted the *Focused Remedial Action Plan* dated July 2013 (the "*2013 RAP*"), which proposed *in situ* electrical resistance heating (ERH) to increase the subsurface temperature to promote vaporization and degradation of 1,1,1-TCA and other VOCs in the NAPL-impacted areas. The IEPA approved the 2013

RAP in a letter dated August 13, 2013 and the remediation work was conducted in the fall of 2014.

The following sections describe the work conducted at the Site to implement the remedial actions proposed in the 2013 RAP.

2.0 *FIELD ACTIVITIES*

2.1 *DESCRIPTION OF THE REMEDIATION WORK*

The FSIROR and NAPL Investigation Report described the investigations conducted that identified the two NAPL-impacted areas designated for ERH treatment. As described in the RAP, ERM proposed to remediate the NAPL *in situ* using ERH to heat the subsurface soil and ground water to enhance volatilization and the ongoing hydrolysis of the NAPL. The ERH system consisted of 34 electrodes placed in the subsurface throughout the remediation areas, a power control unit (PCU), vapor recovery system, steam condensation and vapor-liquid separation system with a cooling tower, and three carbon vessels to control air emissions. Further description of the individual system components is included in the RAP.

ERM subcontracted the remediation services of the TRS Group of Longview, Washington, a licensed supplier of ERH equipment and services and an ERM-approved subcontractor. TRS conducted the installation and operation of the remediation system. ERM provided TRS with direction on where the system electrodes needed to be installed to remediate the NAPL-impacted areas and also conducted the monitoring and confirmation sampling and analysis. Those activities are described further in the following sections:

2.1.1 *Permitting*

ERM submitted an application to enter the Site and ERH system into the IEPA's Registration of Smaller Sources (ROSS) program in March 2014. The IEPA issued a permit in April 2014. Key emission limitations under the ROSS program include:

- < 5 tons per year (TPY) combined criteria pollutants
- < 0.5 TPY of hazardous air pollutant (HAP) emissions
- < 0.05 TPY of lead emissions
- < 0.05 TPY of mercury emissions

Lead and mercury were not potential emission issues since the impact is from VOCs. ERM conducted air emission sampling during the remediation activities to monitor VOC emissions as described further in Section 2.1.3.

The only other applicable permit was for installation of the electrical service to the ERM system, which TRS obtained from the Village of Orland Park. Copies of the applications and permits are included in Appendix B.

2.1.2 *ERH System Installation*

Site preparation and paving to reduce ponding of rainwater in the eastern remediation area started in Jun 2014. The system installation phase was completed in July 2014 and included drilling and constructing the electrodes in the two NAPL-impacted areas. These are shown as Area 1 to the west and Area 2 to the east on Figure 2-1. Originally, 24 electrodes total, on an approximately 20-foot spacing were proposed for both the remediation areas. During installation, additional NAPL impact was found beneath a former subsurface electrical line along the western boundary of the east NAPL area (Area 2). As a result, 10 additional electrodes were installed to address the expanded area. The area along the electric line could not be investigated in the past because the electrical line was energized until the facility was demolished in 2013. Figure 2-1 shows the electrode locations. Photographs from the installation activities are included in Appendix C.

TRS subcontracted Terra Probe Environmental, Inc. from Ottawa Lake, Michigan to install the electrodes and remediation monitoring wells. Terra Probe used solid stem auger drilling methods to drill each electrode location to a depth of approximately 21 feet BGS using 12-inch diameter augers. The electrodes in the ZVI pilot study area were installed to a depth of approximately 25 feet BSG, since that area is mounded approximately 3 feet above the surrounding grade. Soil boring logs are included in Appendix D.

To construct the electrode, an approximately 18-foot long section of carbon steel angle iron was placed in the borehole with two electrical wire leads connected to the top. The annular space was backfilled with electrically conductive graphite material with approximately 5-10% iron pellets. A 3-foot section of 1.5-inch diameter stainless steel vapor recovery well screen was placed above the top of the electrode, backfilled with sand, and the surface finished with concrete. The vapor recovery well screen was connected to 1.5-inch diameter flexible hosing that was connected to the 3-inch diameter PVC vapor recovery system piping installed later.

Five temperature monitoring points (TMP) were installed to a depth of approximately 20 feet BGS. Each TMP thermocouple was connected to a

1-inch diameter black steel pipe. The annular space was backfilled with cement grouted to the surface. Four temperature sensors were set in each location at depths of 6, 10, 14, and 18 feet BGS. The sensors were connected to the ERH control system in the PCU.

Four remediation monitoring wells were installed in key locations shown on Figure 2-1 (RMW-1 through RMW-4). Each monitoring well was installed at a depth of approximately 20 feet BGS and constructed using 2-inch diameter 10-foot long stainless steel screens with stainless steel risers. The annular space was filled with sand up to 2 feet above the screen and then sealed with cement grout to the surface. The surface was finished with a stickup well cover and each well capped with a sealed fitting and valve-sample tubing assembly set to collect a sample from a depth of approximately 15 feet BGS. This valve-sample tubing assembly was used to ensure safe handling of hot liquids.

The wells were constructed of stainless steel, rather than polyvinyl chloride, to withstand the elevated temperatures during heating. Also, the wells were sealed with threaded removable caps fitted with dedicated Teflon sampling lines to reduce the risk of exposure to steam, hot vapors, and heated water in addition to reducing the potential for exposure to electrical energy during operation of the system.

Soil cuttings from the electrode, monitoring well, and TMP installation were collected in five 20 cubic yard roll off boxes and disposed by Heritage Thermal Services. Copies of the waste disposal records are included in Appendix E.

The aboveground system components were installed between August and September 2014 and included the power control unit (PCU), steam condensation and vapor-liquid separation system, equipment/tool storage Conex box, 25 horsepower vacuum blower, two 1,000-pound vapor phase, granular activated carbon vessels, two step down electrical transformers, and vapor recovery piping. Security around the remediation area was maintained using a fence line surrounding the area and a security system consisting of motion-detecting sensors that would disconnect power to the system and notify the Orland Park police department.

ComEd connected the electrical service to the system on September 16, 2014. TRS finished the system installation and testing and began operation on September 23, 2014.

2.1.3 *ERH System Operation*

The system was operated between September 23, 2014 and November 14, 2014. The vapor extraction system continued to operate for two additional weeks until November 29, 2014, until the confirmation sample analyses results were received. During operation, the system consumed a total of 327,144 kilowatt hours of electricity and increased the average subsurface temperature from nominally 15 °C to 83.5 °C with the highest being 101 °C at TMP D9 at 10 feet BGS.

TRS measured air exhaust flow from the vacuum blower throughout operation. ERM conducted 24 air emission sample events (approximately three per week) collecting air samples before and after the two carbon vessels using the TO-15 sampling method. Sampling results indicated that approximately 960 pounds of total VOCs were extracted from the subsurface and approximately half was captured by the carbon vessels. The carbon vessels were changed out on October 31, 2014 after emission sampling suggested the carbon was spent.

After confirmation sampling was completed, TRS demobilized the aboveground equipment and fencing from the Site in December 2014. The electrical transformer was removed from the site on December 23, 2014 by ComEd and the carbon vessels were removed from the Site by Calgon on January 19, 2015. Copies of the waste disposal records are included in Appendix E.

2.2 *INTERIM AND CONFIRMATION SAMPLING*

2.2.1 *Interim Sampling*

ERM conducted interim sampling in the four remediation ground water monitoring wells in the two remediation areas up to seven times during the remediation activities. Some wells were sampled more than others depending on how quickly remediation objectives were met. The wells are labeled as RMW-1, RMW-2, RMW-3, and RMW-4 on Figure 2-1.

The interim sampling consisted of analysis of the ground water samples for the following:

- VOCs;
- pH;
- Total Organic Carbon;
- Nitrogen, Nitrate-Nitrite;

- Sulfide;
- Chloride;
- Potassium;
- Calcium;
- Iron;
- Magnesium;
- Manganese;
- Sodium;
- Sulfate;
- Alkalinity (as CaCO₃);
- Dissolved methane;
- Dissolved ethane;
- Dissolved ethene;
- Dissolved carbon dioxide;
- Dissolved oxygen;
- Dissolved nitrogen; and
- Compound Specific Isotope Analyses (CSIA) for ¹³C for the isomers, 1,1,1-TCA, 1,1-DCE, 1,1-DCA, 1,1,1-TCA and cis-1,2-DCE.

Additionally, field readings were collected for:

- Temperature (°C);
- Dissolved Oxygen (milligram per liter [mg/L]);
- Oxidation-Reduction Potential (mV);
- pH (pH units); and
- Conductivity (µS/cm).

Ground water samples were collected for analysis using low-flow sampling procedures. As the subsurface temperatures increased, the water samples were cooled prior to collection by running the sample through a dedicated copper tubing cooling coil placed in an ice bath. The samples were placed in laboratory-supplied and preserved containers and then placed in a cooler with ice as preservation for delivery to the laboratory.

The increase in the 1,1,1-TCA concentration in the November 5, 2014 sample event in RMW-2 raised concerns that vapors were condensing as a result of ponded water on the surface. ERM suspected the ponded water was infiltrating into the granular sub-base beneath the pavement, cooling the shallow subsurface soils and vapors causing the 1,1,1-TCA to condense. The condensed 1,1,1-TCA would have reacted with the flow-through cell (used to monitor some Site ground water geochemical parameters) damaging the components, so subsequent sampling of the

remediation monitoring wells was conducted using bailer sampling methodology.

Site wide ground water monitoring well water level measurements were collected on November 5, 2014 to assess ground water flow direction during operations. Shallow ground water is found at depths generally between 5 to 10 feet BGS and the flow direction is generally to the west towards Lake Andrew similar to past measurements in the FSIROR. Figure 2-2 presents the ground water contours based on those measurements.

The interim samples were submitted to ALS for VOC, major ion, and dissolved gasses (except hydrogen) analyses and to Pace in Pittsburg, Pennsylvania, for dissolved hydrogen and CSIA analyses. The field measurement, major ion, and dissolved gases results are summarized in Table 2-1. The VOC analytical results are summarized in Table 2-2. The CSIA analyses are summarized in Table 2-3. The ALS laboratory analytical reports and Pace dissolved hydrogen laboratory analytical reports are included as Appendix F. The CSIA laboratory analytical reports are included in Appendix G.

The sample laboratory analytical results showed a significant decrease in the VOC concentrations in ground water to levels that indicate the NAPL is no longer present. Generally, VOCs in all wells decreased consistently from the baseline concentrations except monitoring well RMW-2 (located in the ZVI pilot study area). 1,1,1-TCA fluctuated initially in well RMW-2 and then continually to decreased after four weeks.

2.2.2 *Inorganic Groundwater Chemistry*

ERH treatment results in soil and ground water heating and degradation of chlorinated VOCs, causing an increase in chloride. Changes in redox potential and pH also occur resulting in changes in the groundwater chemistry, which can impact the operation of the treatment system. For example: the precipitation of minerals such as dolomite ($\text{CaMg}(\text{CO}_3)_2$) and hematite (Fe_3O_4) that may result from these physical and chemical changes related to ERH have the potential for silting of wells and clogging of filters.

ERM analyzed the ground water for inorganic chemistry parameters on the same schedule as the remediation progress monitoring to evaluate the potential for system operational issues. The analytical results are summarized in Table 2-1.

ERM modeled this data (Ca, Mg, Na, K, alkalinity, chloride, sulfate, iron, and manganese) using the REACT module of the Geochemist's Workbench^{®1} for the purpose of comparing the data to equilibrium conditions, tracking the changes in groundwater chemistry, and providing input on the nature of the mineral precipitate, which could then be used to direct the operator as to the appropriate maintenance. Figure 2-3 graphically depicts the data on a Piper Trilinear Diagram to display the data from all of the samples together. From Figure 2-3, it can be seen that there is a greater variation in anion concentrations versus cation concentrations, as is typical for *in situ* thermal treatment. The reason for this is the dehalogenation of 1,1,1-TCA and TCE, resulting in increased chloride concentrations.

ERM also sampled the groundwater for acetic acid because it is the hydrolysis reaction daughter compound for 1,1,1-TCA. Together, the compound specific isotope analysis (CSIA; Section 2.2.4) and the acetic acid concentrations provided ERM with the data to interpret the concentration reduction mechanisms.

2.2.3 *Dissolved Gas Concentrations*

ERM monitored dissolved gases in groundwater throughout the treatment. The measured dissolved gas concentrations are summarized in Table 2-1. The gases ethane and ethene are end point products generated from the sequential reductive dehalogenation of the trichlorinated ethane and ethene compounds, respectively. Methane is produced by the breakdown of organic matter in water under highly anaerobic conditions, where oxygen from the water molecule or carbon dioxide provides the terminal electron acceptor in this reaction. Nitrogen, carbon dioxide, and oxygen are present reflecting equilibrium with the atmosphere as modified by such processes as de-nitrification, producing nitrogen gas from nitrate and nitrite. CO₂ may be produced through organic and inorganic reactions and as noted above, may be consumed in the methanogenesis reaction. Carbonate minerals in groundwater provide buffering to neutralize acids. Acetic acid is produced in the hydrolysis reaction breaking down 1,1,1-TCA. The lowering of the pH in association with the production of acetic acid also increases carbon dioxide concentrations. This neutralization reaction will naturally adjust the pH to more natural levels with time.

¹ Copyright, the University of Illinois

2.2.4

Compound Specific Isotope Analysis.

ERM used compound specific isotope analysis (CSIA) as part of the monitoring to better define the concentration reduction mechanisms at the various monitoring locations. This involved the analysis for ^{13}C isotope in the isomers 1,1,1-TCA, TCE, cis-1,2-dichloroethene 1,1-dichloroethane, and 1,1-dichloroethene. According to Hunkeler, et al., (2008)², CSIA can provide an in-depth understanding of biodegradation or abiotic transformation processes in contaminated aquifers. The site remediation goal was removal of NAPL. While this is typically tracked by monitoring the concentrations of VOCs in groundwater confirmed by VOC concentrations in soil, CSIA analysis allowed ERM to take the data a step further. CSIA was used to evaluate the concentration reduction processes that took place during heating and continued after the power input was discontinued. Table 2-3 presents a summary of the VOC concentrations and associated values for $\delta^{13}\text{C}$.

$\delta^{13}\text{C}$ values are referenced to an international standard known as Pee Dee Belmonite, referring to a carbonate rock formation in South Carolina. $\delta^{13}\text{C}$ can be negative or positive relative to this standard. Isotope ratios are presented in units of "per mil" (‰). The accuracy of the measurements for $\delta^{13}\text{C}$ are $\pm 1\text{‰}$ and because of this, changes in $\delta^{13}\text{C}$ greater than 2‰ are considered significant for the interpretation of fractionation. As the chemicals degrade in the groundwater, the ^{12}C bonds are broken in preference to the ^{13}C bonds. Since the convention is to reference to ^{13}C , ^{13}C becomes relatively enriched relative to ^{12}C and the isotope ratio is said to get heavier. The process is referred to as "fractionation". This fractionation provides insight into the concentration reduction mechanisms.

Figures 2-4 and 2-5 present $\delta^{13}\text{C}$ for 1,1,1-TCA and TCE respectively for the four wells that were used to track the remedial progress. For each well, the isotope ratio trajectory of the change in $\delta^{13}\text{C}$ from one measurement to the next is diagnostic of the concentration change mechanism. For example, Figure 2-4 identifies the grouping of concentrations and $\delta^{13}\text{C}$ ratios that represent the source ratio. Subsequent measurements tracking to the upper left quadrant represent a degradation

² Hunkeler, D., R.U. Meckenstock, B.S. Lollar, T.C. Schmidt, & J.T. Wilson (2008). [A guide for assessing biodegradation and source identification of organic ground water contaminants using compound specific isotope analysis \(CSIA\)](#). U.S. Environmental Protection Agency, Office of Research and Development, EPA 600/R-08/148.

("D" in Figure 2-4) mechanism (i.e., $\delta^{13}\text{C}$ gets heavier, while concentrations decrease). $\delta^{13}\text{C}$ ratios tracking to the lower left quadrant represent vaporization (V; Sturchio, et al., 2000³). Tracking to the lower right quadrant represents heat-enhanced dissolution (HED) and to the upper right represents the least observed heat enhanced condition of heat enhanced dissolution plus degradation (HED+D).

For 1,1,1-TCA (Figure 2-4) at well RMW-1, we see $\delta^{13}\text{C}$ in the encircled source isotope range, and with the concentration of 110 mg/L, 1,1,1-TCA was likely present as NAPL (i.e., 8.46% of aqueous solubility; 1,300 mg/l per 35 IL Admin Code 742). At 25°C, the 1,1,1-TCA concentration is reduced (from 110 mg/l to 24 mg/l) and the isotope ratio is lighter, indicating vaporization is the dominant concentration reduction mechanism, although $\delta^{13}\text{C}$ is increased from -23.72‰ to -23.29‰, which may not be significant. All subsequent measurements for RMW-1 show a degradation mechanism. Similarly, well RMW-2 showed $\delta^{13}\text{C}$ and concentrations consistent with the source ratios and concentrations becoming heavier source ratios and concentrations up until the November 18, 2014 sampling. The last measurement taken on December 4, 2014 shows degradation as the dominant concentration reduction mechanism for 1,1,1-TCA, while concentration reductions continued in December 4, 2014 (14 mg/l) and January 15, 2015 (10 mg/l). Wells RMW-3 and 4 show vaporization as the predominant concentration reduction mechanism.

As depicted in Figure 2-5, TCE was tracked at three wells (RMW-2, -3, -4; TCE in RMW-1 was detectable at only one time during treatment). All three wells show TCE to follow a degradation pathway in the latter stages of treatment.

The CSIA data demonstrates continued concentration reduction through degradation mechanisms at all four monitoring locations.

2.2.5 *Confirmation Sampling*

As proposed in the 2013 RAP, ERM conducted confirmation soil and ground water sampling events in 10 locations in the two remediation areas in addition to the four remediation monitoring wells between

³ Sturchio, N. C., L. Heraty, B. D. Holt, L. Huang, T. Abrajano, and G. Smith (2000) *Stable Isotope Diagnostics of Chlorinated Solvent Behavior in Contaminated Aquifers. Proceedings of the Second International Conference on Remediation of Chlorinated and Recalcitrant Compounds*, May 22-25, 2000, Monterey, CA

November 18, 2014 and December 8, 2014 after interim sample results suggested the NAPL impact was remediated. See Figure 2-1. The sample locations were based on locations with suspected or confirmed NAPL identified in the 2012 NAPL investigation and during installation of the ERH remediation system electrodes and remediation monitoring wells.

ERM contracted GeoServe, Inc. (GeoServe) of Woodstock, Illinois to drill the soil borings and install the temporary monitoring wells on November 18, 2014. Each soil boring was continuously sampled to a depth of 20 to 24 feet BGS using a 4-foot long sampler containing a new disposable plastic or Teflon™ liner for each 4-foot interval. Discrete soil samples were field screened for volatile organic compounds (VOCs) using the headspace technique and a Rugged MiniRAE 2000 meter photoionization detector (PID) equipped with a 10.6 eV bulb. Appendix D contains soil boring logs that describe the observations made during drilling and field screening.

It was not possible to field screen the soil samples for VOCs using a PID and the headspace method because of the elevated soil temperature (50-80 °C.) As a result, ERM sampled each 4-foot interval and placed the samples in laboratory-supplied and preserved containers using the United States Environmental Protection Agency (USEPA) Method 5035 for VOCs sampling protocol. The samples were then placed in a cooler with ice for preservation until delivery to the laboratory.

The soil samples were submitted to ALS Laboratory Group (ALS) in Holland, Michigan using standard chain-of-custody procedures. The soil samples were analyzed for VOCs by SW-846 Method 5035A/8260B. The soil sample analytical results are summarized in Table 2-4. Soil boring logs summarizing site geology, sample intervals, and boring descriptions are included in Appendix C. The laboratory analytical reports are included as Appendix H.

A 1-inch diameter polyvinyl chloride (PVC) temporary ground water monitoring well with a 10-foot screen was installed in each soil boring with the exception of locations CS-1, CS-3, and CB-9 which were located next to remediation monitoring wells RMW-1, RMW-4, and RMW-2, respectively. Each location was sampled using the methods used during the interim sampling. Ground water samples were collected for analysis on November 18, 2014, December 4, 2014, and December 8, 2014 using low-flow sampling procedures or a bailer. Some monitoring wells, (i.e. RMW-2, 3, and 4) were sampled on additional dates to further evaluate decreases in VOC concentrations. The samples were placed in laboratory-supplied and preserved containers and then placed in a cooler with ice for preservation until delivery to the laboratory. The samples were submitted

to ALS for analysis of VOCs by SW-846 Method 8260B. The ground water sample analytical results are summarized in Table 2-5. The laboratory analytical reports are included as Appendix I.

The VOC concentrations in all 41 soil samples were below TACO Tier 1 soil saturation (C_{sat}) concentrations. Additionally, none of the VOC concentrations in the final ground water samples suggested the presence of solvent NAPL. The soil sample analytical results are summarized in Table 2-4 and the ground water sample analytical results are summarized in Table 2-5. Tables 2-6 and 2-7 summarize VOC concentrations in soil and ground water, respectively, from past investigations in addition to the recent results for samples from the remediation activities.

3.0 TIER 2 GROUND WATER EVALUATION

As shown in Tables 2-6 and 2-7, residual concentrations of VOCs above Tier 1 ROs for the soil and ground water components of the Class II ground water ingestion pathway remain at the Site. To further evaluate these concentrations, ERM calculated Tier 2 ROs for the soil and ground water components of the ground water ingestion pathway.

3.1 GROUND WATER COMPONENT OF THE CLASS II GROUND WATER INGESTION PATHWAY

The following sections provide detail on the development of the Tier 2 ROs and demonstrate Site compliance with Tier 2 RO requirements. While Site ground water is classified as Class II, as a conservative measure Tier 2 ROs were calculated based on Class I ground water objectives.

3.1.1 *Characterization of the Extent for the Tier 2 Remediation Objective (35 IAC 742.805(a)[1])*

ERM's FSIROR describes the extent of soil and ground water impact at the Site. Tables 2-6 and 2-7 of this RACR summarize the concentrations of VOCs in soil and ground water at the Site following remediation. The extent of VOC impact above the Tier 1 ROs has been defined and is limited to two areas of the Site, one near the former railroad spur ("North Area") and the other on the eastern property line east of Building A ("South Area").

3.1.2 *Removal of Free Product (35 IAC 742.805(a)[2])*

This RACR documents the efforts completed by Andrew to remove free product at the Site. As discussed in Section 2.2.5, the soil and ground water sampling at the Site following remediation demonstrate free product has been removed. Therefore, this requirement has been met.

3.1.3 *Use of Equation R26 to Demonstrate Compliance with Tier 1 at the Point of Exposure (35 IAC 742.805(a)[3])*

In accordance with 35 IAC 742.805(a)[3], ERM calculated Tier 2 ROs for VOCs in ground water using Equation R26 based on a point of exposure at the Site Access Road on the east side of Lake Andrew. Andrew requests that a ground water use restriction for the Site be included in the NFR to allow for use of this compliance point. Equation R26 predicts the

concentration of a dissolved compound at a distance X away from the source by using a measured concentration of the compound in the source area, the size of the source area, the degradation properties of the compound, and the hydraulic properties of the aquifer. For this Tier 2 RO calculation in which Site VOC impacts would meet the Tier 1 RO at distance X, the distance X equaled 354 feet for the North Area and 767 feet for the South Area to the point of exposure at the Access Road.

The following conservative assumptions were made for the calculations:

- *Size of the Source Area:* North Area: 533 feet perpendicular to fluid flow (S_w); South Area: 200 feet
- *Type of Aquifer:* Class II aquifer, but Class I ROs were used as a conservative measure.
- *Direction of Ground Water Flow:* West
- *Hydraulic Conductivity:* Per IEPA direction, the middle value of the aquifer's hydraulic conductivity measurements obtained via slug testing was used (3.57×10^{-6} centimeters per second [cm/s]).
- *Hydraulic Gradient:* A hydraulic gradient value of 0.0244 ft/ft was used (see Section 4.4 of the FSIROR).
- *Concentration of Contaminant in Ground Water at the Source (C_{source}):* The concentration of each VOC at the source was assumed to be the maximum concentration remaining following remediation.
- *Concentration of Ground Water at the Exposure Point, $C_{(x)}$:* This concentration was assumed to be the Tier 1 RO for Class I ground water.
- *Soil Physical Properties:* The default properties for subsurface soil in Table B of Appendix C of TACO were used, with the exception of the FOC for which the site-specific value of 0.012 g/g was used (see Table 4-2 of the FSIROR).

Other parameters used in the calculations (including the degradation constant, solubility in water, organic carbon-water partition coefficient, and Henry's law constant) were obtained from Table E of Appendix C of TACO, and are presented in Appendix J. Figure 3-1 indicates the source

area dimensions and Figure 3-2 identifies the distance to the compliance point.

As shown in Table 3-1, the calculated Tier 2 RO for each VOC at the Site is greater than the maximum residual concentration. Therefore, VOCs do not pose a risk to human health at the point of exposure.

3.1.4 *Concentrations within Setback Zones (35 IAC 742.805(a)[4])*

As discussed in Section 5 of the SIROR, no public water supply wells are present within 2500 feet of the Site. Additionally, there are no private wells within 200 feet of the Site. Therefore, the source of the release is not located within the setback zone of any area wells.

3.1.5 *Concentrations at the Point of Discharge to the Nearest Surface Water (35 IAC 742.805(a)[5])*

The closest surface water body to the impacted areas of the Site is Lake Andrew in the northwestern portion of the Site. To evaluate the potential for Site ground water to affect Lake Andrew, ERM compared the concentration of each VOC present at concentrations above the Tier 1 ground water RO to the surface water quality criteria in 35 IAC 302.208(e). The concentrations of the following analytes were less than the surface water quality criteria at the source:

- North Area: 1,1,2-Trichloroethane, 1,2-dichloroethane, chloroform, methylene chloride, tetrachloroethene, and vinyl chloride.
- South Area: 1,1,2-Trichloroethane, 1,2-dichloroethane, cis-1,2-dichloroethene, methylene chloride, trichloroethene, and vinyl chloride.

For the other VOCs with concentrations in the source areas above the surface water quality criteria, the distance at which the concentration would meet the surface water quality was calculated using the R26 equation and the parameters described above in Section 3.1.3. The distance X was varied until the modeled concentration met the surface water quality criteria. As shown in Table 3-1, the distance for each analyte to meet the Tier 1 ROs is less than 354 feet, which is the shortest distance to the Access Road east of Lake Andrew. Therefore, Site ground water does not pose a risk to area surface water.

3.1.6 MIXTURE RULE FOR GROUND WATER

The mixture rule does not apply to Class II ground water, so this analysis is not required.

3.2 SOIL COMPONENT OF THE CLASS II GROUND WATER INGESTION PATHWAY

The following sections provide detail on the development of the Tier 2 remediation objectives for the soil component of the ground water ingestion pathway. While Site ground water is classified as Class II, as a conservative measure Tier 2 ROs were calculated based on Class I ground water objectives, consistent with the ground water component calculations.

3.2.1 *Use of Equation R26 to Demonstrate Compliance with Tier 1 at the Point of Exposure (35 IAC 742.805(a)(3))*

ERM developed Tier 2 ROs for the soil component of the ground water ingestion pathway in accordance with Section 742.710(d) using the SSL Equations S17, S18, and S19 in Appendix C of TACO. Subsurface soil default parameters were used in the calculations, with the exception of the FOC, which used a Site FOC of 1.2%. Chemical parameters from Table E of Appendix C of TACO were used in the calculations for all analytes in TACO. As permitted under Section 742.710(d)(1)(C) of TACO, the value for the ground water objective (GW_{obj}) was calculated using Equation R26 in Appendix C of TACO based on the maximum allowable distance to reach Tier 1 Class I ground water ROs. This calculation determines the highest permissible concentration in the source area that modeling demonstrates will meet Tier 1 ROs at the point of human exposure. In this case, a ground water use restriction will be enacted on the Site and the ground water must meet the Tier 1 ROs at the compliance point, which is the Access Road east of Lake Andrew.

Figure 3-1 illustrates the source widths and distances to the compliance point and Table 3-2 summarizes the calculations and the calculated Tier 2 ROs. The calculations and the values used for all variables are presented in Appendix K and are consistent with those used for the ground water calculations.

As shown in Table 3-2, the maximum remaining soil concentrations in each source area are below the calculated Tier 2 ROs. Therefore, residual

soil impacts do not pose a risk to human health via the ground water ingestion pathway.

3.2.2 *Concentrations at the Point of Discharge to the Nearest Surface Water (35 IAC 742.805(a)[5])*

As previously mentioned, the closest surface water body to the impacted areas of the Site is Lake Andrew in the northwestern portion of the Site. To evaluate the potential for residual concentrations in Site soil to affect Lake Andrew, ERM calculated the distance using the R26 equation for the concentration of each VOC remaining in soil above the Tier 1 RO to meet the surface water quality criteria in 35 IAC 302.208(e). The concentrations of the following analytes were less than the surface water quality criteria at the source:

- North Area: 1,1,1-Trichloroethane, 1,1,2-Trichloroethane, 1,2-dichloroethane, methylene chloride, tetrachloroethene, trans-1,2-dichloroethene, and vinyl chloride.
- South Area: Tetrachloroethene and trichloroethene.

For the VOCs with concentrations in the source areas above the surface water quality criteria, the distance at which the concentration would meet the surface water quality was calculated using the R26 equation and the parameters described above in Section 3.2.1. The distance X was varied until the modeled concentration met the surface water quality criteria. As shown in Table 3-2, the distance for each analyte to meet the Tier 1 ROs is less than 387 feet, which is the shortest distance from the impacted soil area to the Access Road east of Lake Andrew. Therefore, Site soil does not pose a risk to area surface water.

4.0

TIER 2 EVALUATION OF THE SOIL INHALATION PATHWAY

4.1

UPDATED TIER 2 ROS FOR THE INDUSTRIAL-COMMERCIAL AND CONSTRUCTION WORKER OUTDOOR INHALATION PATHWAYS

ERM calculated and presented Tier 2 ROs for the industrial-commercial worker and construction worker outdoor inhalation exposure pathways in the 2010 SIROR. Since that time, IEPA released a new version of TACO in July 2013 that contained updated physical constants for several VOCs. Therefore, ERM updated the Tier 2 RO calculations following the procedure outlined in Section 7.1 of the SIROR and using the physical constants in the July 2013 TACO. The updated calculations are presented in Appendix L.

ERM compared the soil concentrations remaining after completion of the remedial efforts to the updated Tier 2 ROs, as shown in Table 2-4. TCE was detected above the Tier 2 ROs for the industrial-commercial and construction worker exposure scenarios. The concentrations of all other analytes were below the Tier 2 ROs. TCE concentrations above the Tier 2 RO for the industrial-commercial inhalation pathway have been addressed using an engineered barrier. Concentrations above the RO for the construction worker inhalation pathway will be addressed with a construction worker caution in the NFR.

4.2

MIXTURE RULE

The mixture rule was established to address the effects of similar-acting compounds (*i.e.*, compounds that affect the same organ or organ system) detected above Tier 1 at the Site. In the Illinois Pollution Control Board's Opinion and Order of the Board date December 4, 1997, it is stated that:

"The mixture rule for similar-acting chemicals in soil is graduated. At Tier 1, it is not applicable. At Tier 2, it is applicable to noncarcinogens only. And at Tier 3, it is applicable to carcinogens and noncarcinogens. The mixture rule for similar-acting chemicals in Class 1 ground water uniformly spans all three tiers of TACO. It is applicable to both similar-acting carcinogens and noncarcinogens under all three tiers."

Since Tier 2 ROs were calculated for the industrial-commercial worker and construction worker outdoor inhalation exposure pathways, ERM evaluated the effects of similar-acting noncarcinogenic compounds for

these pathways to determine whether the cumulative risk is unacceptable in any samples with concentrations above the Tier 1 ROs and below the Tier 2 ROs. The first step was to identify all samples with concentrations of one or more analytes above the Tier 1 RO(s) and below the Tier 2 RO(s). These samples are shown in Table 4-1 for the industrial-commercial worker exposure scenario and Table 4-2 for the construction worker exposure scenario. Next, ERM identified the target organs for each detected compound and evaluated whether any of the detected compounds affected the same target organ(s) as the analytes detected above the Tier 1 ROs and below the Tier 2 ROs. The cumulative risk was then evaluated for each applicable sample for each affected target organ according to 35 IAC 742.720 by calculating the weighted average. The concentration of each individual compound affecting the target organ was divided by the RO for that compound, and the value for each compound added to determine the weighted average. A weighted average greater than 1 for a sample indicates an unacceptable risk requiring corrective action.

For the industrial-commercial pathway, only TCE was detected above the Tier 1 RO and below the Tier 2 RO. The target organs for TCE inhalation are the eye and the nervous system. No other detected compounds affect the eye, so a cumulative risk evaluation was not necessary for this organ. Several analytes affect the nervous system, so the cumulative risk was calculated for each sample. As shown in Table 4-1, the weighted average for all samples was less than 1, demonstrating the cumulative risk is acceptable.

For the construction worker pathway, the liver and the nervous system both are target organs affected by more than one analyte detected above the Tier 1 RO and below the Tier 2 RO. Therefore, the cumulative risk for each target organ was calculated for each sample in which an analyte affecting the target organ was present above the Tier 1 RO and below the Tier 2 RO. As shown in Table 4-2, the sample collected at SB-32 has a weighted average greater than 1 for the liver, indicating an unacceptable cumulative risk. A construction worker caution will be used to address the risk in this area.

5.0 *SPECIAL CONDITIONS*

This section describes the Special Conditions Andrew is implementing at the Site as part of the remedial action, including land use restrictions and a ground water use restriction on the Site.

5.1 *LAND USE RESTRICTIONS*

The following restrictions on the Site are to be included in the NFR letter as described in the IEPA-approved RAP:

- A site-wide industrial-commercial property use restriction;
- Construction worker caution in the areas shown on Figure 5-1 based on the Tier 2 ROs in Section 4 and remaining VOC concentrations;
- A site-wide ground water use restriction in the requested NFR letter and the May 2013 ELUC implemented for the potential off-site impacts to the eastern adjoining Norfolk-Southern Railroad right-of-way; and
- Site-wide requirement for installation and operation of a building control technology (i.e., passive or active vapor mitigation system) in accordance with 35 IAC 742 Subpart L to exclude the indoor inhalation exposure route, should habitable buildings be constructed at the Site in the future.
- Engineered barriers in accordance with 35 IAC 742 1105(c)(3) in the area shown on Figure 5-1 to exclude the industrial-commercial outdoor inhalation exposure route (the area is currently paved with asphalt) based on the Tier 2 ROs in Section 4 and remaining VOC concentrations. An engineered barrier will be maintained in this area in perpetuity;

Engineered barriers in accordance with 35 IAC 742 1105(c)(3) are as follows:

- A) Caps or walls constructed of compacted clay, asphalt, concrete, or other material approved by the Agency;
- B) Permanent structures such as buildings and highways; and
- C) Soil, sand, gravel, or other geologic materials that:
 - i) Cover the contaminated media;

ii) Meet the soil remediation objectives under Subpart E for residential property for contaminants of concern; and

iii) Are a minimum of 10 feet in depth and not within 10 feet of any manmade pathway.

6.0

EFFECTIVENESS OF THE REMEDIAL ACTION

The ERH remediated the NAPL-impacted area. The effectiveness of the removal was confirmed by confirmation sampling which did not detect VOCs concentrations indicative of chlorinated solvent NAPL.

SUMMARY

The proposed remedial action was *in situ* ERH which was conducted from September to November 2014. ERH system increased the average subsurface temperature from nominally 15 °C to 83.5 °C which promoted vaporization of 1,1,1-TCA and other VOCs in the NAPL-impacted areas. The subsurface heating also enhanced the rate of degradation of 1,1,1-TCA and volatilization of the other dissolved gases which added to the volatilization of VOCs. Interim sampling suggested that the NAPL removal was completed by mid-November 2014, approximately seven weeks after startup. Confirmation soil and ground water sampling was completed in 10 locations in the two remediation areas and identified no VOC concentrations indicative of chlorinated solvent NAPL.

Based on the completion of the remedial actions described in this report, ERM respectfully requests that the IEPA approve the remedial actions for the NAPL impact issue at the Site and issue the requested focused NFR letter. Appendix L includes the Site legal description and the base map to be used in the requested NFR letter.

George Koczwara

Subject: Initiative Request

From: Michael Milani

Sent: Tuesday, February 25, 2020 3:51 PM

To: George Koczwara

Subject: Initiative Request

George -

In light of Trustee Calandriello asking for the information about the Andrew site, can I request an official initiative to investigate the former Andrew Corporation site, and give options of what the Village can and cannot do with this site (ie: push to remediate further, etc)?

If there is an official form, can you send it over to me and I will fill it out with this information?

Michael R. Milani

Trustee - Village of Orland Park