

March 10, 2021

**ATTORNEY GENERAL RAOUL OBTAINS ORDER RELATED TO TAZEWELL COUNTY NURSING HOME
DIESEL LEAK**

Chicago — Attorney General Kwame Raoul today obtained an order in a lawsuit against Washington Senior Living LLC and SC Washington Property LLC over a diesel gas leak that led to residents being evacuated from a senior living facility. The leak caused air and soil contamination on the property as well as in water in a nearby tributary that connects to the Illinois River.

Raoul previously filed a lawsuit and motion for preliminary injunction in Tazewell County Circuit Court to require Washington Senior Living and SC Washington Property to evaluate and address contamination resulting from a diesel fuel leak at the companies' Washington Senior Living care facility located at 1201 Newcastle Road in Washington, Illinois. The facility provides long-term, short-term and hospice care in Tazewell County.

According to Raoul's lawsuit, the facility reported Dec. 30, 2020, that a diesel fuel leak had been discovered two days earlier. Strong fumes resulting from the leak caused 35 residents to be evacuated for several hours and some to be relocated within the facility. Raoul alleged the defendants did not take necessary actions as requested by the Illinois Environmental Protection Agency (IEPA) to address the diesel release, and the agreed order was entered today after a contested hearing.

"The diesel fuel leak exposed Washington Senior Living residents to hazardous fumes, and the companies did not take adequate steps to address contamination," Raoul said. "This order will require the companies to take steps to evaluate and address any lingering contamination, and ensure residents are safe from the harmful effects of diesel pollution."

The Attorney General's office filed the lawsuit in January based on a referral from IEPA.

"The Illinois EPA referred this case due to concerns from dangerous conditions brought on by improper discharges," said Illinois EPA Director John Kim. "The action taken by the Attorney General's office to permanently cease these discharges and ensure necessary remediation is completed will bring protections to the affected members of the public and the environment."

Washington Senior Living relies on a generator as a backup power source, and diesel fuel for the generator was being stored in an aboveground tank on-site. According to Raoul's lawsuit, inspectors from the IEPA visited the facility Dec. 31 and discovered a strong diesel fuel odor. Further investigation found that diesel fuel had seeped into the soil and the city of Washington's storm water system. The storm water system drains to a tributary of Farm Creek, which ultimately flows to the Illinois River.

Diesel fuel is a combustible liquid that emits odors and fumes containing air pollutants, including volatile organic compounds. Exposure to diesel fuel can cause both short-term and long-term human health effects. When exposed to the environment, diesel fuel also can contaminate soil, groundwater, and surface waters, rendering them hazardous to humans and wildlife.

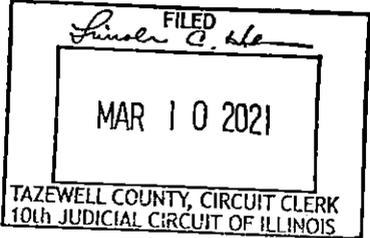
[The order entered today](#) requires the defendants to take immediate action to address the pollution in and outside of the facility by removing all petroleum-contaminated material from the release's drainage path and employing equipment to clean the air inside the facility. The order also requires the defendants to submit plans to investigate and remediate all contamination from the release to the Attorney General's office and the IEPA.

Assistant Attorneys General Emma Hudspath and Chelsea Neilson are handling the case for Raoul's Environmental Bureau.

**IN THE CIRCUIT COURT FOR THE TENTH JUDICIAL CIRCUIT
TAZEWELL COUNTY, ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. **KWAME RAOUL, Attorney**)
General of the State of Illinois,)
))
Plaintiff,)
))
v.)
))
WASHINGTON SENIOR LIVING, LLC,)
an Illinois limited liability company;)
and SC WASHINGTON PROPERTY, LLC,)
an Illinois limited liability company,)
))
Defendants.)

No. 2021-CH-5



AGREED INTERIM ORDER

This cause coming before this Court following Plaintiff's Motion for Immediate and Preliminary Injunction; due notice having been given; the Court having heard testimony on January 29, 2021, and having ruled on February 2, 2021 that the parties prepare an agreed interim order in accordance with the Court's directions; the parties having reached agreement on activities to be performed; the Court having jurisdiction over the parties and the subject matter herein; the parties having prepared this Agreed Interim Order, and the Court otherwise being duly advised in the premises;

NOW THEREFORE, Plaintiff having alleged that a substantial danger to the environment and to the health and welfare of persons exists pursuant to the Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq.* (2018), ("Act"), Defendants having denied the same, and the parties having agreed to the entry of this Agreed Interim Order (the "Order"), the Court enters the following Order, which shall remain in effect until further order of this Court. IT IS HEREBY ORDERED THAT:

I. BACKGROUND

1. Plaintiff incorporates by reference herein the allegations in its Verified Complaint for Injunction and Civil Penalties filed on January 21, 2021 (the "Verified Complaint"), and Defendants incorporate by reference herein the denials contained in Defendants' Verified Answer previously filed in this cause (the "Verified Answer").

2. For purposes of this Order, the term "Order" shall refer to this Agreed Interim Order. The term "Facility" shall mean the senior care facility located at 1201 Newcastle Road, Washington, Tazewell County, Illinois, owned by Defendant SC Washington Property, LLC and operated by Defendant Washington Senior Living LLC. The term "Off-Site Areas" shall mean areas outside of the Facility impacted by red-dye diesel fuel contamination migrating from the Facility. Also, the term "Release" shall mean the release of red-dye diesel fuel from the aboveground storage tank ("AST") at the Facility beginning on or before December 28, 2020. Finally, the term "Contamination" shall mean the contamination associated with the Release, including without limitation any contamination mixed with or resulting from the Release of red-dye diesel.

II. GENERAL PROVISIONS

3. This Order is not a final resolution on the merits of Plaintiff's Verified Complaint or Defendant's Verified Answer.

4. By entering into this Order and complying with its terms, Defendants do not admit any wrongful conduct or violation of any applicable statute, law or regulations, and this Order and compliance therewith shall not be interpreted as including such admission. Nothing contained herein shall be deemed a finding of fact or adjudication by this Court of any of the facts, claims or defenses contained in the Verified Complaint or Verified Answer. Plaintiff reserves the right to

seek additional technical relief and civil penalties, and Defendants reserve the right to assert defenses in this matter.

5. This Court shall retain jurisdiction of this matter, including for the purposes of interpreting and enforcing the terms and conditions of this Order.

III. COMPLIANCE MEASURES BY DEFENDANTS

6. On December 28, 2020, Defendants called the City of Washington Fire Department, who responded and applied a patch to the AST, and on December 31, 2020, the Defendants began undertaking response activities to address the Release. Defendants have continued to undertake response activities and shall undertake the activities required by this Section III of this Order.

7. Defendants have obtained an environmental consultant who has been in contact with the Illinois EPA, and Defendants shall ensure that the consultant no less frequently than twice weekly notifies Plaintiff's representatives of the current week's work to investigate and address the Contamination.

8. If not accomplished by the date of this Order, Defendants shall immediately enroll the Washington Senior Living property otherwise described herein as the Facility (not including Off-Site Areas) into the Site Remediation Program ("SRP"). Defendants shall complete all actions required by the SRP as administered by Illinois EPA pursuant to Title XVII of the Act and obtain a focused No Further Remediation Letter to address all Contamination associated with the Release within two (2) years of the enrollment into the SRP, and the scope of this Order incorporates the rules, requirements and schedules required by the SRP for those activities associated with the Facility.

9. Defendants shall at all times continue to employ portable air cleaners within rooms in the Facility impacted by the Release to reduce levels of volatile organic compounds (“VOCs”) therein until Plaintiff approves, in writing, the removal of air cleaners. Plaintiff shall respond in a timely, reasonable manner to a written request from Defendants to cease or modify operation of the air cleaners in any room, subject to the Dispute Resolution section in Section VII of the Order.

10. Defendants shall continue to sample Rooms 176, 178, 180, 182, 184, and 186 in the Facility, as well as the Facility’s northwest hallway, in accordance with the United States Environmental Protection Agency TO-15 Test, utilizing Summa canisters over a 24-hour sampling period. Defendants shall discontinue use of the portable air cleaners during the sampling period. Defendants shall submit the samples to the laboratory within the sample-holding period, and deliver the laboratory results to Plaintiff within seven (7) business days following receipt by Defendants thereof. Defendants shall continue to conduct sampling in accordance with this Paragraph 10 on a biweekly basis until Plaintiff approves, in writing, the discontinuation or modification of sampling, provided that Plaintiff shall not require additional sampling without cause.

11. Defendants shall operate a self-contained generator in compliance with all rules and regulations. In the event a replacement aboveground diesel fuel tank and piping is installed, Defendants shall operate and maintain in accordance with 41 Ill. Adm. Code 160.

12. Defendants shall continue to remove visible Contamination associated with the Release from the recovery trench and interceptor trench sump located at the Facility until Plaintiff approves, in writing, the discontinuation or modification of such actions. Plaintiff shall respond in a timely, reasonable manner to a written request from Defendants to cease or modify this action, subject to the Dispute Resolution section in Section VII of the Order.

13. Defendants shall continue to maintain booms daily in the unnamed creek tributary to Farm Creek (“unnamed creek”) for so long as there is a visible sheen of Contamination associated with the Release apparent in the creek, and for so long as there is any additional removal activity being performed or to be performed at the Facility or at the Off-Site Areas.

14. Defendants may request the Illinois EPA’s approval of discontinuation or modification of the actions in Paragraphs 9, 10, 12 and 13, above. Any such request shall be made by the Defendants, or either one of them or the consultant, in writing and shall be independent of any other submittal made pursuant to this Order. Moreover, notice of a request for any proposed modification shall be provided to the designated representative(s) of the parties indicated in Section IV (Notices) of this Order. Plaintiff shall respond in a timely, reasonable manner to a written request from Defendants, subject to the Dispute Resolution section in Section VII of the Order. Should Plaintiff not provide any response to a request made in accordance with this Paragraph within seven (7) business days, Defendants may discontinue the response activity that was the subject of the request, so long as Defendants act in good faith, subject to further order of this Court. If Defendants disagree with Plaintiff’s timely disapproval of a request under this Paragraph, Defendants may invoke the Dispute Resolution section in Section VII of this Order.

15. The activities described in this Order are subject to the *Force Majeure* terms section in Section VII of the Order. Defendants shall continue removing all Contamination associated with the Release from (i) the off-site Drainage Ditch (identified in the Verified Complaint) and (ii) the off-site outfall to the tributary and the right descending bank of the unnamed tributary around the storm sewer outfall, to the unnamed tributary to Farm Creek, if any, and shall properly dispose of the removed material at a licensed and properly permitted disposal facility, such disposal to be completed as soon as reasonably possible, but no later than forty-five (45) days after entry of this

Order. Within twenty-eight (28) days of Defendants' removal of Contamination associated with the Release pursuant to this paragraph, Defendants shall submit to Plaintiffs records detailing the removal.

Investigation and Activities for the Release

16. For the activities at the Facility, Defendants shall submit Plans and Reports to Plaintiff as required by the SRP, and for the SRP's review and approval, and shall implement all activities required thereunder as described herein.

17. For those activities associated with Off-Site Areas not associated with the SRP, Defendant shall submit the Plans and Reports to Plaintiff for Plaintiff's approval as provided below.

18. The following charts and their accompanying paragraphs below describe the Plans and Reports required for the SRP and Off-Site Areas under this Order. More detailed descriptions of the contents and deadlines for said Plans and Reports are included in the sub-sections below. Defendants shall submit all Plans and Reports to the designated representatives of Plaintiff identified in Section IV (Notices) of this Order. Upon receiving a submission, Plaintiff shall make a good faith effort to provide a timely response, and shall not unreasonably withhold approval sought by Defendants subject to the Dispute Resolution section in Section VII of the Order.

i. Off-Site Activities

19. This Section III.i. of the Order contains Plans and Reports required for Off-Site Areas. The Off-Site Remediation chart and accompanying paragraphs describe the Plans and Reports required.

OFF-SITE REMEDIATION	
PLAN	REPORT
<u>Soil Sampling Plan (Paragraph 20.b)</u> Written plan for the sampling of soil in Drainage Ditch and Outfall Area.	<u>Soil Sampling Report (Paragraph 20.d)</u> Report detailing results of executed Soil Sampling Plan
<u>Restoration Plan (Paragraph 20.e)</u> Written plan detailing how the areas off site where soil was disturbed (Drainage Ditch and Outfall Area) will be restored to pre-release conditions or better	(no associated report)
<u>Water Sampling Plan (Paragraph 21.b)</u> Written plan for the sampling of surface water and sediment in the unnamed tributary to Farm Creek	<u>Water Sampling Report (Paragraph 21.d)</u> Report detailing results of executed Water Sampling Plan

20. Defendants shall complete the following actions to address conditions in the Off-Site Areas within the Release's drainage path:

- a. Within twenty-one (21) days of completion of removal of Contamination associated with the Release from the Off-Site Areas pursuant to Paragraph 15 above, Defendants shall jet clean all storm sewers and pipes from the Drainage Ditch through to the storm sewer outfall, capturing and disposing of all runoff from these operations.
- b. Within twenty-eight (28) days of completion of removal of Contamination associated with the Release pursuant to Paragraph 15 above, Defendants shall create and submit to Plaintiff for review and approval a sampling plan for the soil in the Drainage Swale and the storm sewer outfall area for Plaintiff's review and approval ("Soil Sampling Plan"), including a

- schedule for implementation, for purposes of defining any additional presence or confirming the removal of Diesel Range Organics (“DRO”), BETX, and Poly-Nuclear Aromatics (“PNAs”) associated with the Release per the Tiered Approach to Corrective Action, 35 Ill. Adm. Code Part 745.
- c. Within fifteen (15) days of Plaintiff’s approval of the Soil Sampling Plan, and in accordance with the approved schedule, Defendants shall implement the activities in the approved Soil Sampling Plan.
 - d. Within forty (40) days of Defendants’ completion of all activities required in the Soil Sampling Plan, and in accordance with the approved schedule, Defendants shall submit to Plaintiff for review and approval a report detailing the findings and confirming the removal of all DRO, BETX, and PNAs associated with the Release to concentrations found to be below the Tiered Approach to Corrective Action, 35 Ill. Adm. Code Part 745 (“Soil Sampling Report”).
 - e. Within sixty (60) days of entry of this Order, Defendants shall submit a plan to Plaintiff for review and approval, for the restoration of the Drainage Swale and storm sewer outfall area to pre-release conditions or better, subject to the approval of the City of Washington and affected private landowners (“Restoration Plan”), including a schedule for implementation.
 - f. Within thirty (30) days of Plaintiff’s written approval of the Restoration Plan, and subject to impacted private landowners’ approval and consent, in accordance with the approved schedule, Defendants shall implement the activities in the approved Restoration Plan.

21. Defendants shall complete the following actions to address all impacts to the unnamed tributary and associated surface waters:

- a. In addition to the continuing obligation to monitor and replace booms contained in Paragraph 13, above, within sixty-five (65) days following completion of the On-Site and Off-Site Activities described above, Defendants shall remove and properly dispose of all visible contamination in compliance with Section 302.203 of the Board regulations, 35 Ill. Adm. Code 302.203, including Contamination associated with the Release in the unnamed creek and any other impacted surface waters, if any, and remove Contamination associated with the Release at the Facility from the storm sewer outlet to the unnamed creek, through the full extent of contamination (“Impacted Surface Waters”).
- b. Within sixty (60) days following removal of the Contamination associated with the Release pursuant to Paragraph 21.a of the Order, Defendants shall submit to Plaintiff for review and approval a sampling plan for sediment and water impacted by the Release in Impacted Surface Waters (“Water Sampling Plan”), including a schedule for implementation detailing the findings and confirming the removal of all DRO, BETX, and PNAs associated with the Release to concentrations found to be below the Tiered Approach to Corrective Action, 35 Ill. Adm. Code Part 745.
- c. Upon Plaintiff’s written approval of the Water Sampling Plan, Defendants shall implement, within seven (7) days, all activities in the approved Water

Sampling Plan, in accordance with the approved schedule to address Contamination from the Release.

- d. Within forty (40) days of completion of all activities associated with the Release in the approved Water Sampling Plan, and in accordance with the approved schedule, Defendants shall submit a report of findings for Plaintiff's review and approval ("Water Sampling Report") detailing the findings and confirming the removal of all DRO, BETX, and PNAs associated with the Release to concentrations found to be below the Tiered Approach to Corrective Action, 35 Ill. Adm. Code Part 745.

ii. On-Site Investigation and Activities (SRP)

22. This Section III.ii of the Order contains Plans and Reports required for on-site investigation and activities at the Facility under the SRP. The On-Site Remediation chart and accompanying paragraphs describe the Plans and Reports required.

ON-SITE REMEDIATION	
PLAN	REPORT
<u>Site Investigation Work Plan (Paragraph 23)</u>	<u>Site Investigation Report (Paragraph 25)</u>
<u>Remedial Action Plan (Paragraph 27)</u>	<u>Remediation Objectives Report (Paragraph 26)</u>
	<u>Remedial Action Completion Report (Paragraph 30)</u>

23. Within fifty (50) days of entry of this Order, Defendants shall submit to Plaintiff for review and approval a Site Investigation Work Plan setting forth a proposal for the investigation of the full extent of the contamination of soil, surface waters, and groundwater resulting from the Release, at the Facility, including a schedule for implementation. The proposed Site Investigation

Work Plan shall include sampling for DRO, BTEX, and PNAs, including their degradation products associated with the Release.

24. Upon Plaintiff's written approval of the Site Investigation Work Plan, Defendants shall implement the approved Site Investigation Work Plan, in accordance with the approved schedule.

25. Within ninety (90) days of Plaintiff's written approval of the Site Investigation Work Plan, Defendants shall submit to Plaintiff for review and approval a Site Investigation Report presenting the results of the site investigation and identifying any remaining contamination resulting from the Release. The Site Investigation Report shall include a certification signed by a responsible corporate official for each Defendant, under penalty of perjury, attesting that the work in the approved Site Investigation Plan is complete.

26. Within sixty (60) days of Plaintiff's written approval of the Site Investigation Report, Defendants shall submit to Plaintiff for review and approval a Remediation Objectives Report. The Remediation Objectives Report shall address all Contamination associated with the Release identified in the Site Investigation Report, and shall propose remediation objectives.

27. Within sixty (60) days of Plaintiff's written approval of the Remediation Objectives Report, Defendants shall submit to the Illinois EPA a Remedial Action Plan to address all remaining Contamination associated with the Release, including remediation objectives, site-specific response actions, and a schedule for implementation. The Remedial Action Plan must describe both the proposed remedy and evaluate its ability and effectiveness to achieve the approved remediation objectives consistent with the SRP.

28. Upon Plaintiff's written approval of the Remedial Action Plan Defendants shall implement the approved Remedial Action Plan, in accordance with the approved schedule.

29. Subject to the deadline for the submission of the Remedial Action Completion Report set forth in Paragraph 30, below, if at any time Plaintiff or Defendants determine that further modifications to the Remedial Action Plan are necessary for achieving the approved remedial objectives at the Site, Defendants shall submit a modified Remedial Action Plan to Plaintiff. Defendants shall submit to Plaintiff for review and approval a modified Remedial Action Plan within (a) thirty (30) days of such determination by Defendants or (b) forty-five (45) days from the date of Plaintiff's written notice to Defendants that they must submit a modified Remedial Action Plan. The modified Remedial Action Plan shall include a revised schedule for its implementation. Upon Plaintiff's written approval of a modified Remedial Action Plan, Defendants shall implement the approved modified Remedial Action Plan in accordance with the approved schedule.

30. Within forty (40) days after completion of all work required in the Remedial Action Plan, and upon achieving the remediation objectives in the approved Remediation Objectives Report, Defendants shall submit to Plaintiff for review and approval a Remedial Action Completion Report ("RACR"). The RACR shall include a certification signed by a responsible corporate official for each Defendant, under penalty of perjury, attesting that the work in the approved Remedial Action Plan is complete.

31. Upon receipt of the RACR, Plaintiff will either approve or disapprove the RACR in writing to Defendants. Plaintiff shall respond in a timely, reasonable manner, subject to the Dispute Resolution section in Section VII of the Order. Plaintiff may disapprove the RACR if (a) Defendants have failed to implement the approved Remedial Action Plan, and/or (b) the remediation objectives set forth in the approved Remediation Objectives Report have not been met. If Plaintiff disapproves the RACR, Defendants shall perform to completion all additional

remedial action necessary to meet the approved remediation objectives, within the period set forth in the Plaintiff's notice of disapproval, subject to the Dispute Resolution process in Section VII of this Order. The parties acknowledge that Defendants shall seek and obtain a focused No Further Remediation Letter from the SRP addressing the Contamination associated with the Release appropriate for the Facility use identified in the applicable Zoning Ordinance.

32. If Plaintiff disapproves of the Soil Sampling Plan, Soil Sampling Report, Restoration Plan, Water Sampling Plan, Water Sampling Report, Site Investigation Work Plan, Site Investigation Report, Remediation Objectives Report, or Remedial Action Plan according to the terms described above, then Defendants shall, within twenty-one (21) days of receiving Plaintiff's written notice of such disapproval, submit to Plaintiff for its review and approval a revised document that corrects all deficiencies identified by Plaintiff in its disapproval letter. This process shall continue until either (i) Plaintiff approves the document, or (ii) any party invokes the Dispute Resolution section in Section VII of this Order. Plaintiff shall respond in a timely, reasonable manner to each submission by Defendants, subject to the Dispute Resolution section in Section VII of the Order.

33. Defendants shall properly dispose of all contaminated soils, water and other fluids, groundwater and/or wastes recovered or excavated during the response work as directed above at a facility permitted to accept them. Records detailing the amount of and final disposition of all contaminated soils, water and other fluids, groundwater and/or wastes shall be provided by Defendants to Plaintiff within twenty-one (21) days of Defendants' generation or receipt of such documentation as described above.

34. Defendants shall expeditiously submit applications for and obtain all necessary permits or other approvals required for the discharge, treatment or disposal of contaminated soil, water and other fluids, groundwater and/or wastes.

35. Defendants and their agents and employees shall cooperate with Plaintiff's investigation and evaluation of the Facility.

IV. NOTICES

36. All submittals and correspondence relating to the requirements of this Order shall be directed to the following persons:

FOR PLAINTIFF

Emma Hudspath
Chelsea Neilson
Assistant Attorneys General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62701
(217) 557-4635
(217) 557-5767
ehudspath@atg.state.il.us
cneilson@atg.state.il.us
ebs@atg.state.il.us

Joshua Leopold
Division of Legal Counsel
Illinois Environmental Protection
Agency 1021 North Grand Avenue East
Springfield, Illinois 62794
joshua.leopold@illinois.gov

FOR DEFENDANTS

WASHINGTON SENIOR LIVING, LLC
Holly Turner
7301 E Third Ave, #317
Scottsdale, AZ 85251
hturner@extendedcarellc.com

SC WASHINGTON PROPERTY, LLC
William J. Anaya
Greensfelder, Hemker & Gale P.C.
200 West Madison Street Suite 3300
Chicago, Illinois 60606
wanaya@greensfelder.com

All submittals by Defendants related to on-site investigation and activities, as identified in Section III.ii of the Order, shall additionally be submitted as two (2) hard copies to the Site Remediation Program as the technical contact, in addition to all parties listed above:

Remedial Project Management
Section Illinois EPA
Bureau of Land
1021 North Grand Avenue East
PO Box 9276 Springfield, IL 62794-9276

V. RIGHT OF ENTRY

37. In addition to any other authority, the Illinois EPA, its employees and representatives; and the Attorney General, his agents and representatives, shall have the right of entry into and upon the Facility owned by or under control of the Defendants and which is the subject of this Order, at all reasonable times for the purpose of carrying out inspections of the Facility. In conducting such inspections, the Illinois EPA, its employees and representatives; its employees and representatives; and the Attorney General, his employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

VI. COMPLIANCE WITH OTHER LAWS AND REGULATIONS

38. This Order in no way affects the responsibilities of the Defendants to comply with any other federal, state or local laws or regulations, including but not limited to the Act and Pollution Control Board regulations.

VII. DISPUTE RESOLUTION

39. The parties shall use their best efforts to resolve any and all disputes or differences of opinion arising with regard to this Order, informally and in good faith. This includes any dispute arising regarding the timely, reasonable review of any plans or reports submitted to Plaintiff for approval. If, however, a dispute arises concerning this Order that the parties are unable to resolve informally, either party may, by written motion request a hearing, that may include an evidentiary hearing, be held before the Circuit Court for the Tenth Judicial Circuit, Tazewell County, Illinois, to resolve the dispute between the parties according to terms directed by the Court.

VIII. FORCE MAJEURE

40. For purposes of this Order, a *force majeure* event is an event arising solely beyond the control of the Defendants, which prevents the timely performance of any of the requirements of this Order. For the purposes of this Order, *force majeure* shall include, but is not limited to, events such as floods, fires, tornadoes, and other extreme weather events, other natural disasters, pandemic restrictions and labor disputes or equipment failure beyond the reasonable control of the Defendants.

41. When, in the opinion of the Defendants, a *force majeure* event occurs which causes or may cause a delay in the performance of any of the requirements of this Order, the Defendant shall orally notify Plaintiff within forty-eight (48) hours of becoming aware of a failure impacting the completion schedule. Written notice shall be given to Plaintiff as soon as practicable, but no later than five (5) business days after Defendant becomes aware of such failure.

42. Failure by the Defendants to comply with the notice requirements of the preceding paragraph shall render this *force majeure* provision voidable by Plaintiff as to the specific event

for which the Defendants have failed to comply with the notice requirement. If voided, this section shall be of no effect as to the particular event involved.

43. An increase in costs associated with implementing any requirement of this Order shall not, by itself, excuse the Defendants under the provisions of this Order from a failure to comply with such a requirement.

IX. MODIFICATION OF ORDERS

44. The parties to the Order may, by mutual consent, modify the terms of this Order without leave of court. Any such agreed modification shall be in writing and signed by authorized representatives of each party, which shall then be deemed incorporated into this Order by reference. Any request for modification shall be made by the Defendants in writing and shall be independent of any other submittal made pursuant to this Order. Moreover, notice of a request for any proposed modification shall be provided to the designated representative(s) of the parties indicated in Section IV (Notices) of this Order.

X. SIGNATURE

45. This Order may be signed in counterparts, all of which shall be considered one agreement.

XII. STATUS CONFERENCE WITH THE COURT

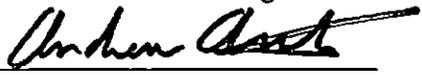
46. This matter is set for a status conference on MAY 4, 2021, at 2 pm without further notice.

WHEREFORE the parties, by their representatives, enter into this Agreed Interim Order and submit it to the Court that it may be approved and entered.

AGREED:

PEOPLE OF THE STATE OF ILLINOIS
ex rel. KWAME RAOUL, Attorney General
of the State of Illinois,

MATTHEW J. DUNN, Chief
Environmental /Asbestos Litigation Division

By: 
Andrew Armstrong, Chief
Environmental Bureau
Assistant Attorney General

Date: 03/03/2021

FOR DEFENDANTS

WASHINGTON SENIOR LIVING, LLC

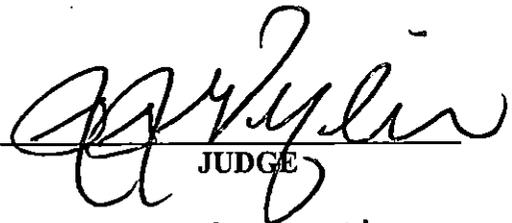
By: _____

DATE: _____

SC WASHINGTON PROPERTY, LLC

By: _____

DATE: _____

ENTERED: 
JUDGE
DATE: 3-10-21

WHEREFORE the parties, by their representatives, enter into this Agreed Interim Order and submit it to the Court that it may be approved and entered.

AGREED:

PEOPLE OF THE STATE OF ILLINOIS
ex rel. KWAME RAOUL, Attorney General
of the State of Illinois,

MATTHEW J. DUNN, Chief
Environmental /Asbestos Litigation Division

By: _____
Andrew Armstrong, Chief
Environmental Bureau
Assistant Attorney General

Date: _____

FOR DEFENDANTS

WASHINGTON SENIOR LIVING, LLC

By:  _____

DATE: 3/3/2021

SC WASHINGTON PROPERTY, LLC

By: _____

DATE: _____

ENTERED:  _____
JUDGE
DATE: 3.10.21

WHEREFORE the parties, by their representatives, enter into this Agreed Interim Order and submit it to the Court that it may be approved and entered.

AGREED:

PEOPLE OF THE STATE OF ILLINOIS
ex rel. KWAME RAOUL, Attorney General
of the State of Illinois,

MATTHEW J. DUNN, Chief
Environmental /Asbestos Litigation Division

By: _____
Andrew Armstrong, Chief
Environmental Bureau
Assistant Attorney General

Date: _____

FOR DEFENDANTS

WASHINGTON SENIOR LIVING, LLC

By: _____

DATE: _____

SC WASHINGTON PROPERTY, LLC

By: _____

DATE: 3/5/21

ENTERED: _____

JUDGE

DATE: _____