

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>vs.</b>	)	<b>PCB No.</b>
	)	<b>(Enforcement)</b>
<b>ALTORFER, INC., AN Iowa corporation,</b>	)	
	)	
<b>Respondent.</b>	)	

**NOTICE OF ELECTRONIC FILING**

To: See Attached Service List

PLEASE TAKE NOTICE that on September 20, 2010, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, a COMPLAINT, MOTION FOR RELIEF FROM HEARING REQUIREMENT and STIPULATION AND PROPOSAL FOR SETTLEMENT, copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,  
Attorney General of the  
State of Illinois

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

BY: 

---

MICHAEL D. MANKOWSKI  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: September 20, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that I did on September 20, 2010, cause to be served by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the following instruments entitled NOTICE OF ELECTRONIC FILING, COMPLAINT, MOTION FOR RELIEF FROM HEARING REQUIREMENT and STIPULATION AND PROPOSAL FOR SETTLEMENT upon the persons listed on the Service List.



Michael D. Mankowski  
Assistant Attorney General

This filing is submitted on recycled paper.

**SERVICE LIST**

Altorfer, Inc.,  
c/o Edward W. Dwyer  
Hodge Dwyer & Driver  
3150 Roland Ave.  
PO Box 5776  
Springfield, IL 62705

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<b>Complainant,</b>	)	
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<b>vs.</b>	)	<b>PCB No.</b>
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<b>ALTORFER, INC., AN Iowa corporation,</b>	)	
	)	
<b>Respondent.</b>	)	

**MOTION FOR RELIEF FROM HEARING REQUIREMENT**

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(c)(2) (2008), moves that the Illinois Pollution Control Board grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2008). In support of this motion, Complainant states as follows:

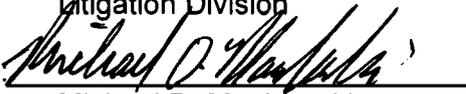
1. A Complaint is being filed with the Illinois Pollution Control Board ("Board") in this matter simultaneously with the Stipulation and Proposal for Settlement.
1. The parties have reached agreement on all outstanding issues in this matter.
2. This agreement is presented to the Board in a Stipulation and Proposal for Settlement, filed contemporaneously with this motion.
3. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not necessary, and respectfully request relief from such a hearing as allowed by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2008).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2008).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS  
LISA MADIGAN  
ATTORNEY GENERAL

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

BY: 

Michael D. Mankowski  
Environmental Bureau  
Assistant Attorney General

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031

Dated: September 20, 2010

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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<b>Complainant,</b>	)	
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<b>vs.</b>	)	<b>PCB No.</b>
	)	<b>(Enforcement)</b>
<b>ALTORFER, INC., an Iowa corporation,</b>	)	
	)	
<b>Respondent.</b>	)	

**COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency, complains of Respondent, ALTORFER, INC., an Iowa corporation, as follows:

**COUNT I**

**UNAUTHORIZED DISPOSAL OF HAZARDOUS WASTE**

1. This Complaint is brought by the Attorney General on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2008).

2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2008), and charged *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board ("Board").

3. This Complaint is brought pursuant to Section 31 of the Act, 415 ILCS 5/31 (2008), after providing the Respondent with notice and the opportunity for a meeting with the Illinois EPA.

4. Respondent, ALTORFER, INC. ("Altorfer") is and was at all times relevant to this Complaint an Iowa corporation, registered and in good standing to do business in Illinois.

5. Respondent owns a diesel-powered generator manufacturing and assembly facility located in Bartonville, Peoria County, Illinois ("site" or "facility"). The Illinois LPC number associated with the site is 1430055056.

6. The facility produces between 100 and 1000 kilograms of hazardous waste each month and is regulated as a small quantity generator.

7. On or around October of 2006, the Respondent installed and placed into operation a spent solvent recycling unit in its wet paint line.

8. The solvent recycling unit generates "still bottoms" from the recovery of methyl ethyl ketone ("MEK").

9. MEK containing still bottoms are a listed hazardous waste, 40 CFR 261.31(a).

10. On January 17, 2007, the Illinois EPA conducted a Compliance Evaluation Inspection at the Altorfer site.

11. On January 17, 2007, the Illinois EPA observed that still bottoms from the facility's wet paint line were placed in a dumpster.

12. The Respondent disposed of the still bottoms at the Indian Creek Landfill located in Hopedale, Illinois.

13. Between October of 2006 and March of 2007, the Respondent disposed of approximately 284.22 lbs. of still bottoms at the Indian Creek Landfill.

14. Indian Creek Landfill is not permitted to accept hazardous waste.

15. On January 17, 2007, the Respondent failed to have a special waste determination and analysis for the still bottoms available for inspection by the Illinois EPA.

16. The Respondent failed to utilize a manifest and permitted special waste hauler for the delivery of the still bottoms.

17. On May 15, 2007, the Illinois EPA conducted a follow up inspection at the facility.

18. On or about May 15, 2007, or a date better known to the Respondent, the

Respondent began generating more than 1,000 kilograms of hazardous waste in a calendar month.

19. On or about May 15, 2007, or a date better known to the Respondent, the Respondent no longer qualified for the exemption from RCRA permitting for a small quantity generator that accumulates hazardous waste on-site for 180 days or less.

20. On May 15, 2007, the Respondent did not have a RCRA permit to store hazardous waste.

21. Section 21 of the Act, 415 ILCS 5/21 (2008), provides, in pertinent part, as follows:

No person shall:

\* \* \*

- (e) Dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.
- (f) Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:
  - (1) without a RCRA permit for the site issued by the Agency under subsection (d) of Section 39 of this Act, or in violation of any condition imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder; or
  - (2) in violation of any regulations or standards adopted by the Board under this Act; or
  - (3) in violation of any RCRA permit filing requirement established under standards adopted by the Board under this Act; or
  - (4) in violation of any order adopted by the Board under this Act.

\* \* \*

- (i) Conduct any process or engage in any act which produces hazardous waste in violation of any regulations or standards adopted by the Board under subsections (a) and (c) of Section 22.4 of this Act.

\* \* \*

22. Section 703.121 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 703.121, provides in pertinent part, as follows:

- a) No person may conduct any hazardous waste storage, hazardous waste treatment, or hazardous waste disposal operation as follows:
  - 1) Without a RCRA permit for the HWM (hazardous waste management) facility; or
  - 2) In violation of any condition imposed by a RCRA permit.
- b) An owner or operator of a HWM unit must have permits during the active life (including the closure period) of the unit...

\* \* \*

23. Section 722.111 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 722.111, provides that any person who generates a solid waste shall determine if that waste is a hazardous waste.

24. Section 722.112(c) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 722.112(c), prohibits a generator from offering its hazardous waste to transporters or to treatment, storage or disposal facilities that have not received a USEPA identification number.

25. Section 722.120 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 722.120, provides:

- a) A generator that transports hazardous waste or offers a hazardous waste for transportation for off-site treatment, storage, or disposal or a treatment, storage, or disposal facility that offers for transport a rejected load of hazardous waste must prepare a manifest on USEPA Form 8700-22 (and, if necessary, on USEPA Form 8700-22A) according to the instructions included in the appendix to 40 CFR 262 (Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

\*\*\*

26. Section 722.123(a) of the Board's Waste Disposal Regulations, 35 Ill. Adm.

Code 722.123(a), provides as follows:

- a) The generator shall do the following:
  - 1) Sign the manifest certification by hand;
  - 2) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest;
  - 3) Retain one copy, in accordance with Section 722.140(a); and
  - 4) Send one copy of the manifest to the Agency within two working days.

27. Section 722.134(d)(4) of the Board's Waste Disposal Regulations, 35 Ill. Adm.

Code 722.134(d)(4), provides as follows:

- d) A generator that generates greater than 100 kilograms but less than 1,000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that the following conditions are fulfilled:

\*\*\*

- 4) The generator complies with the requirements of subsections (a)(2) and (a)(3) of this Section, Subpart C of 35 Ill. Adm. Code 725, and 35 Ill. Adm. Code 728.107(a)(5); and

\*\*\*

28. By failing to comply with the requirements of Section 722.134(d) of the Board's Waste Disposal Regulations, the Respondent has violated Section 21(f) of the Act, 415 ILCS 5/21(f).

29. By engaging in an act which produced hazardous waste in violation of the regulations or standards adopted by the Board under subsections (a) and (c) of Section 22.4 of the Act, 415 ILCS 5/22.4 (2008), the Respondent has violated Section 21(i) of the Act, 415 ILCS 5/21(i) (2008).

30. By storing hazardous waste in containers without a RCRA permit, the

Respondent has violated Sections 703.121(a) and (b) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 703.121(a) and (b).

31. By failing to conduct the required hazardous waste determination for the still bottoms, the Respondent has violated Section 722.111 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 722.111.

32. By sending still bottoms generated from the recovery of solvent and paint waste to a facility which is not permitted to accept hazardous waste, the Respondent violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2008).

33. By sending still bottoms generated from the recovery of solvent and paint waste to a facility without a USEPA identification number, the Respondent has violated Section 722.112(c) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 722.112(c).

34. By failing to prepare a manifest before offering still bottoms for transport, the Respondent has violated Section 722.120(a) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 722.120(a).

35. By failing to follow the procedures for manifests for the transport of still bottoms, the Respondent has violated Section 722.123(a) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 722.123(a).

**PRAYER FOR RELIEF**

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that this Board enter an Order against the Respondent:

A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that the Respondent has violated the Act and regulations as alleged herein;

C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2008), impose a civil penalty of not more than the statutory maximum; and

E. Grant such other and further relief as the Board deems appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN,  
Attorney General of the  
State of Illinois

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

BY:   
\_\_\_\_\_  
THOMAS DAVIS, Chief  
Environmental Bureau  
Assistant Attorney General

OF COUNSEL

MICHAEL D. MANKOWSKI  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62706  
217/ 557-0586

Dated: 9/16/10

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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<b>ALTORFER, INC., an Iowa corporation,</b>	)	
	)	
<b>Respondent.</b>	)	

**STIPULATION AND PROPOSAL FOR SETTLEMENT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency ("Illinois EPA"), and ALTORFER, INC., an Iowa corporation ("Respondent"), the Parties to the Stipulation and Proposal for Settlement ("Parties to the Stipulation"), have agreed to the making of this Stipulation and Proposal for Settlement ("Stipulation") and submit it to the Illinois Pollution Control Board ("Board") for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board's approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding except as otherwise provided herein. It is the intent of the Parties to this Stipulation that it be a final adjudication of this matter.

**I. STATEMENT OF FACTS**

**A. Parties to the Stipulation**

1. On the same date as the filing of this Stipulation, a Complaint was filed on behalf of the People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois, on her own motion and upon the request of the Illinois EPA, pursuant to Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2008), against the Respondent.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2008).

3. At all times relevant to the Complaint, Respondent ALTORFER, INC., was an Iowa corporation, registered and in good standing to do business in Illinois.

**B. Site Description**

1. At all times relevant to this Complaint, Respondent owned a diesel-powered generator manufacturing and assembly facility located in Bartonville, Peoria County, Illinois ("site" or "facility"). The Illinois LPC number associated with the site is 1430055056.

2. The facility produces between 100 and 1000 kilograms of hazardous waste each month and is regulated as a small quantity generator.

3. On or around October of 2006, the Respondent installed and placed into operation a spent solvent recycling unit in its wet paint line.

4. The solvent recycling unit generates "still bottoms" from the recovery of methyl ethyl ketone ("MEK").

5. MEK-containing still bottoms are a listed hazardous waste which carry the F005 waste code, 40 CFR 261.31(a).

**C. Allegations of Non-Compliance**

Complainant contends that the Respondent has violated the following provisions of the Act and Board regulations:

Count I: UNAUTHORIZED DISPOSAL OF HAZARDOUS WASTE, in violation of Sections 21(e), (f), and (i) of the Act, 415 ILCS 5/21(e), (f), and (i) (2008), and Sections 703.121, 722.111, 722.112(c), 722.120, 722.123(a), and 722.134(d)(4) of the Board's Waste Disposal Regulations ("Board Regulations"), 35 Ill. Adm. Code 703.121, 722.111, 722.112(c), 722.120, 722.123(a), and 722.134(d)(4);

**D. Non-Admission of Violations**

The Respondent represents that it has entered into this Stipulation for the purpose of settling and compromising disputed claims without having to incur the expense of contested litigation. By entering into this Stipulation and complying with its terms, the Respondent does not admit the allegations of violation within the Complaint and referenced within Section I.C herein, and this Stipulation shall not be interpreted as including such admission.

**E. Compliance Activities to Date**

1. In mid-2007 Respondent began transitioning from the use of a MEK-based solvent to a new solvent called ParcoSol 283, which does not contain MEK.

2. From that time and continuing to the present, Respondent has managed its spent solvent/paint residue by sending it off site via a licensed hazardous waste hauler for recycling.

**II. APPLICABILITY**

This Stipulation shall apply to and be binding upon the Parties to the Stipulation, and any officer, director, agent, or employee of the Respondent, as well as any successors or assigns of the Respondent. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against the Respondent in any subsequent enforcement action by the Complainant or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2008).

### III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

1. Section 33(c) of the Act, 415 ILCS 5/33(c) (2008), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

2. In response to these factors, the Parties to the Stipulation state the following:

- a. Approximately 282.22 pounds of hazardous waste containing MEK was disposed of at a landfill that was not permitted nor constructed to accept it. The alleged violations pose a significant risk of exposure to humans or other environmental receptors.

- b. There is social and economic value to the Respondent's manufacturing business.

- c. Respondent's manufacturing business is suitable for the area in which it is located.

- d. It was both technically practicable and economically reasonable for the Respondent to properly characterize, handle, and dispose of the still bottoms created by its paint solvent recovery system.

- e. Respondent has subsequently complied with the Act and the Board

Regulations.

#### IV. CONSIDERATION OF SECTION 42(h) FACTORS

1. Section 42(h) of the Act, 415 ILCS 5/42(h) (2008), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency; and
7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform.

2. In response to these factors, the Parties to the Stipulation state as follows:

- a. The gravity of the alleged violations was moderate. The alleged

violations pose a significant risk of exposure to humans or other environmental receptors;

however, the amount of hazardous waste disposed of was small. The improper disposal of the

hazardous waste occurred during two, one-time, events. Therefore, the duration was short.

b. Once made aware of its alleged violations of the Act and Board Regulations, the Respondents attempted to resolve the alleged violations. The Respondent has subsequently brought the facility into compliance with the Act and associated Board Regulations.

c. The Respondents received minimal economic benefit from failing to dispose of the hazardous waste still bottoms at a properly permitted and constructed landfill.

d. Complainant has determined, based upon the specific facts of this matter, that a penalty of Twenty Five Thousand Dollars (\$25,000.00) will serve as an incentive to the Respondent and others involved in manufacturing, to properly designate, handle, and dispose of all waste generated at their facilities.

e. The Respondent has no prior enforcement history.

f. The Respondent did not voluntarily disclose to the Illinois EPA the violations that are the subject of this case.

g. The settlement of this matter does not include a supplemental environmental project.

## **V. TERMS OF SETTLEMENT**

### **A. Penalty Payment**

1. The Respondent shall pay a civil penalty in the sum of Twenty Five Thousand Dollars (\$25,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

### **B. Interest and Default**

1. If the Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, the Respondent shall be in default and the

remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by the Respondent not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

**C. Payment Procedures**

All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency  
Fiscal Services  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

The name, case number and the Respondent's federal tax identification number shall appear on the face of the certified check or money order. A copy of the certified check or money order and any transmittal letter shall be sent to:

Michael D. Mankowski  
Assistant Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62702

**D. Release from Liability**

In consideration of the Respondent's payment of the Twenty Five Thousand Dollar (\$25,000.00) penalty, completion of all activities required hereunder, and upon the Board's

approval of this Stipulation, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for the violations of the Act and Board Regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed on the same date as this Stipulation. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondent with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on the Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315 (2008), or entities other than the Respondent.

**E. Termination**

Except as stated in Sections II and V.D. herein, this Stipulation shall terminate sixty (60) days from the date the Board adopts and accepts this Stipulation.

**F. Enforcement and Modification of Stipulation**

Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

**G. Execution of Stipulation**

The undersigned representatives for the Parties to this Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

WHEREFORE, the Parties to this Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

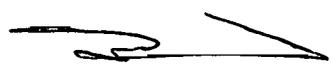
PEOPLE OF THE STATE OF ILLINOIS,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

LISA MADIGAN  
Attorney General  
State of Illinois

DOUGLAS P. SCOTT, Director  
Illinois Environmental Protection Agency

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

BY:   
\_\_\_\_\_  
THOMAS DAVIS, Chief  
Environmental Bureau  
Assistant Attorney General

BY:   
\_\_\_\_\_  
JOHN J. KIM  
Chief Legal Counsel

DATE: 9/16/10

DATE: 9/14/10

FOR THE RESPONDENT:

ALTORFER, INC.

BY:   
\_\_\_\_\_

TITLE: Vice President

DATE: 8/6/10