

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

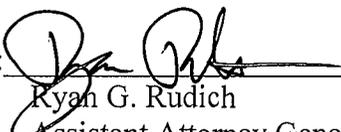
PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No.
	)	(Enforcement – Land)
CAPRON MFG. CO., an Illinois	)	
corporation,	)	
	)	
Respondent.	)	

**NOTICE OF FILING**

<b>To:</b>	<b>Via Certified Mail</b>	<b>Via Certified Mail</b>
	Capron Manufacturing Company	Bryan J. Berry
	c/o Joseph G Kusper	Storino, Ramello & Durkin
	9501 W Devon Ave. #800	9501 W. Devon Avenue, Suite 800
	Rosemont, Il 60018	Rosemont, Il 60018

PLEASE TAKE NOTICE that on December 8, 2014, the Complainant filed with the Office of the Clerk of the Pollution Control Board the Complaint, Stipulation and Proposal for Settlement and Motion for Relief from Hearing Requirement in the above-captioned matter, copies of which are attached and hereby served upon you. Financing may be available, through the Illinois Environmental Facilities Financing Act, to correct the violations alleged in the Complaint.

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

By:   
 Ryan G. Rudich  
 Assistant Attorney General  
 Environmental Bureau  
 69 W. Washington St., 18<sup>th</sup> Floor  
 Chicago, IL 60602  
 (312) 814-1511  
[rrudich@atg.state.il.us](mailto:rrudich@atg.state.il.us)

DATE: December 8, 2014

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Respondent.	)	

**COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondent, CAPRON MFG. CO., an Illinois corporation, as follows:

**COUNT I**

**STORING HAZARDOUS WASTE WITHOUT A PERMIT**

1. This Complaint is brought 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 at the request of the Illinois Environmental Protection Agency (“Illinois EPA”) pursuant to Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2012).

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 (2012), and charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to the Complaint, Respondent, CAPRON MFG. CO. (“Capron”), was and is an Illinois corporation in good standing authorized to do business in Illinois.

4. At all times relevant to this Complaint, Capron has owned and operated a metal finishing facility located at 200 North Burr Oak Road, Capron, Boone County, Illinois ("Facility").

5. The filter press at the Facility's wastewater treatment plant generates approximately 20 cubic yards of wastewater treatment sludge – which is listed in Resource Conservation and Recovery Act ("RCRA") hazardous waste category F006, 40 C.F.R. § 261.31, and also constitutes a hazardous waste number D007 solid waste, 40 C.F.R. § 261.24 – every ten days ("Wastewater Treatment Sludge").

6. After being removed from the filter press, the Wastewater Treatment Sludge is first placed in a small hopper ("Hopper"), before being dumped into a 30-cubic yard roll-off box ("Roll-Off Box").

7. On October 31, 2013, the Illinois EPA inspected the Facility.

8. On October 31, 2013, Capron was storing Wastewater Treatment Sludge in the Hopper and the Roll-Off Box.

9. On October 31, 2013, neither the Hopper nor the Roll-Off Box bore labels indicating that their contents were hazardous waste or the date on which they began to accrue hazardous waste.

10. On November 12, 2013, the Illinois EPA issued Capron a violation notice for, among other things, Capron's failure to label its hazardous waste containers consistent with 35 Ill. Adm. Code 722.134(a)(2) and (3), in violation of 35 Ill. Adm. Code 703.121(a) and Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2012).

11. On or around December 26, 2013, the Illinois EPA received Capron's response to the November 12, 2013 violation notice, which included proposed terms for a Compliance Commitment Agreement ("CCA").

12. The Illinois EPA subsequently issued a proposed CCA to Capron pursuant to Section 31(a)(7) of the Act, 415 ILCS 5/31(a)(7) (2012).

13. Capron accepted the conditions of the proposed CCA on January 21, 2014 and it took effect on February 6, 2014.

14. Under the CCA, Capron was required, among other things, to "[c]ontinue to label hazardous waste containers with the words 'hazardous waste'" and to "[c]ontinue to place the start of accumulation date on each containers of hazardous waste."

15. On February 19, 2014, the Illinois EPA again inspected the Facility.

16. On February 19, 2014, Wastewater Treatment Sludge was being stored in the Hopper and the Roll-Off Box.

17. On February 19, 2014, the Roll-Off Box was not labeled with the words "hazardous waste" or marked with the date the hazardous waste it contained began accumulating.

18. Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2012), provides as follows:

Prohibited acts. No person shall:

\* \* \*

(d) Conduct any waste-storage, waste-treatment, or waste-disposal operation:

\* \* \*

(2) in violation of any regulations or standards adopted

by the Board under this Act.

19. Pursuant to Sections 22 and 27 of the Act, 415 ILCS 5/22 and 27 (2012), the Illinois Pollution Control Board (“Board”) has promulgated rules and regulations to control waste disposal operations in Illinois, codified at 35 Ill. Adm. Code, Subtitle G, Chapter 1 (“Board Waste Disposal Regulations”).

20. Section 703.121(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 703.121(a), 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....

21. Section 3.315 of the Act, 415 ILCS 5/3.315 (2012), provides the following definition:

“Person” is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

22. Capron is a person as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2012).

23. Section 3.220 of the Act, 415 ILCS 5/3.220 (2012), provides the following definition:

“Hazardous waste” means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise

managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, or pursuant to Board regulations. Potentially infectious medical waste is not a hazardous waste, except for those potentially infectious medical wastes identified by characteristics or listing as hazardous under Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, or pursuant to Board regulations.

24. Wastewater Treatment Sludge is a “hazardous waste” as that term is defined in Section 3.220 of the Act, 415 ILCS 5/3.220 (2012).

25. Section 3.480 of the Act, 415 ILCS 5/3.480 (2012), provides the following definition:

“Storage” means the containment of waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal.

26. Capron’s holding of Wastewater Treatment Sludge in the Hopper and the Roll-Off Box constitutes “storage” as that term is defined in Section 3.480 of the Act, 415 ILCS 5/3.480 (2012).

27. Because it was storing hazardous waste in the Hopper and the Roll-Off Box, Capron was required to obtain a RCRA permit for the hazardous waste management at the facility or comply with a provision of the Board Waste Disposal Regulations that provides an exception to 35 Ill. Adm. Code 703.121(a).

28. Section 722.134(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.134(a), establishes a limited, conditional exception to the permit requirement established by 35 Ill. Adm. Code 703.121(a). It provides, in relevant part, as follows:

- (a) Except as provided in subsection (d), (e), (f), (g), (h), or (i) of this Section, a generator is exempt from all the requirements in Subparts G and H of 35 Ill. Adm. Code 725, except for 35 Ill. Adm. Code 725.211 and 725.214, and may accumulate hazardous waste on-site for 90 days or

less without a permit or without having interim status, provided that the following conditions are fulfilled:

\* \* \*

- (2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
- (3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste"....

29. On October 31, 2013, and other dates better known to Capron, Capron failed to clearly mark the Hopper with the date upon which the period of hazardous waste accumulation in it began and with the words "Hazardous Waste." On October 31, 2013, February 19, 2014, and other dates better known to Capron, Capron failed to clearly mark the Roll-Off Box with the date upon which the period of hazardous waste accumulation in it began and with the words "Hazardous Waste." Capron therefore was not permitted to accumulate hazardous waste on-site in those containers on those dates for up to 90-days without a permit pursuant to Section 722.134(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.134(a).

30. At no time did Capron receive a RCRA permit to store hazardous waste at the Facility.

31. By storing hazardous waste in the Hopper and the Roll-Off Box without a permit without complying with the conditions of Sections 722.134(a)(2) and (3) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.134(a)(2) and (3), Capron violated Section 703.121(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 703.121(a), and thereby violated Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2012).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against Respondent with respect to this Count I:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
2. Finding that the Respondent has violated Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2012), and Section 703.121(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 703.121(a);
3. Ordering Respondent to cease and desist from any future violations of Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2012), and Section 703.121(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 703.121(a);
4. Assessing against the Respondent a civil penalty of Twenty Five Thousand Dollars (\$25,000.00) for each day of violation;
5. Ordering the Respondent to pay all costs of this action pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and
6. Granting such other relief as the Board deems appropriate and just.

## COUNT II

### VIOLATION OF THE COMPLIANCE COMMITMENT AGREEMENT

1-21. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 17 and 21 through 24 of Count I as paragraphs 1 through 21 of this Count II.

22. Section 31(a)(7.6) of the Act, 415 ILCS 5/31(a)(7.6) (2012), provides as follows:

No person shall violate the terms or conditions of a Compliance Commitment Agreement entered into under subdivision (a)(7.5) of this Section. Successful completion of a Compliance Commitment Agreement or an amended Compliance Commitment Agreement shall be a factor to be weighed, in favor of the person completing the Agreement, by the Office of the Illinois Attorney General in determining whether to file a complaint for the violations that were the subject of the Agreement.

23. The CCA that took effect on February 6, 2014 was a Compliance Commitment Agreement entered into under subdivision (a)(7.5) of Section 31 of the Act, 415 ILCS 5/31(a)(7.5) (2012).

24. Section 42(k) of the Act, 415 ILCS 5/42(k) (2012), provides as follows:

(k) In addition to any other remedy or penalty that may apply, whether civil or criminal, any person who violates subdivision (a)(7.6) of Section 31 of this Act shall be liable for an additional civil penalty of \$2,000.

25. By failing on February 19, 2014, and other dates better known to Capron, to mark on the Roll-Off Box the date upon which hazardous waste began accumulation in it, and by failing to label it with the words "Hazardous Waste," Capron violated the CCA that took effect on February 6, 2014, thereby violating Section 31(a)(7.6) of the Act, 415 ILCS 5/31(a)(7.6) (2012), and becoming liable for an additional civil penalty of \$2,000 pursuant to Section 42(k) of the Act, 415 ILCS 5/42(k) (2012).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against Respondent with respect to this Count II:

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

2. Finding that the Respondent has violated Section 31(a)(7.6) of the Act, 415 ILCS 5/31(a)(7.6) (2012);
3. Ordering Respondent to cease and desist from any future violations of Section 31(a)(7.6) of the Act, 415 ILCS 5/31(a)(7.6) (2012);
4. Assessing against the Respondent a civil penalty of Two Thousand Dollars (\$2,000.00) for violating Section 31(a)(7.6) of the Act, 415 ILCS 5/31(a)(7.6) (2012).
5. Ordering the Respondent to pay all costs of this action pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and
6. Granting such other relief as the Board deems appropriate and just.

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

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

BY:   
ELIZABETH WALLACE, Chief  
Environmental Bureau  
Assistant Attorney General

OF COUNSEL:  
RYAN G. RUDICH  
Assistant Attorney General  
Environmental Bureau  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602  
(312) 814-1511

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**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 CAPRON MANUFACTURING COMPANY (“Respondent”), (collectively “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 regarding the violations of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/1, et seq. (2012), and the Board=s regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

**I. STATEMENT OF FACTS**

**A. Parties**

1. On December 8, 2014, 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 Act, 415 ILCS 5/31

(2012), 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 (2012).

3. At all times relevant to the Complaint, Respondent was and is an Illinois corporation that is authorized to transact business in the State of Illinois.

4. At all times relevant to the Complaint, Respondent owned and operated a metal finishing facility located at 200 North Burr Oak Road, Capron, Boone County, Illinois ("Facility" or "Site").

**B. Allegations of Non-Compliance**

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

Count I: Storing hazardous waste without a permit in violation of Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2012), and Section 703.121(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 703.121(a), as a result of failing to comply with the permit exception contained in Section 722.134(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.134(a).

Count II: Failing to comply with a Compliance Commitment Agreement in violation of Section 31(a)(7.6) of the Act, 415 ILCS 5/31(a)(7.6) (2012).

**C. 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 affirmatively admit the allegations of violation within the Complaint and referenced within Section I.B herein, and this Stipulation shall not be interpreted as including such admission.

**D. Compliance Activities to Date**

Respondent has affixed labels to the hopper and the roll-off box at the Facility indicating that they contain hazardous waste.

**II. APPLICABILITY**

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. 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 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 (2012).

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

Section 33(c) of the Act, 415 ILCS 5/33(c) (2012), 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.

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

1. Human health and the environment were threatened by Respondent's failure to properly identify the roll-off box and the hopper as containing hazardous waste and the Illinois EPA's information gathering responsibilities were hindered by the Respondent's violations.
2. There is social and economic benefit to the Facility.
3. Operation of the Facility was and is suitable for the area in which it is located.
4. Affixing labels to the containers storing hazardous waste at the Site, including labels that identify the date on which hazardous waste began accumulating in them, or in the alternative obtaining a Resource Conservation and Recovery Act ("RCRA") permit to store hazardous waste, was both technically practicable and economically reasonable.
5. Respondent has subsequently complied with the Act and the Board regulations.

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

Section 42(h) of the Act, 415 ILCS 5/42(h) (2012), 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;
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; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

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

1. The Respondent was in violation of the Act beginning on or before October 31, 2013. The violations were resolved no earlier than February 19, 2014.
2. Although the Illinois EPA notified Respondent that it was not in compliance with the Act and Board regulations on October 31, 2013, and Respondent agreed to a Compliance Commitment Agreement ("CCA") with the Illinois EPA on February 6, 2014, Respondent did not come into compliance before February 19, 2014.
3. Any economic benefit derived from the violations will be recouped as part of the civil penalty.
4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Twelve Thousand Dollars (\$12,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.
5. To Complainant's knowledge, Respondent has no previously adjudicated

violations of the Act.

6. Self-disclosure is not at issue in this matter.

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

8. A Compliance Commitment Agreement was proposed by Respondent, accepted by the Illinois EPA, and subsequently violated by Respondent.

## V. TERMS OF SETTLEMENT

### A. **Penalty Payment**

1. The Respondent shall pay a civil penalty in the sum of Twelve Thousand Dollars (\$12,000.00) 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**

1. 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, Illinois 62794-9276

2. The case name and case number shall appear on the face of the certified check or money order.

3. A copy of the certified check or money order and any transmittal letter shall be sent to:

Ryan G. Rudich  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602

**D. Future Compliance**

1. The hopper and the roll-off box at the Facility shall be clearly marked with the date on which the accumulation of hazardous waste began and with the words "Hazardous Waste".

2. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, shall have the right of entry into and upon the Respondent's Facility which is the subject of this Stipulation, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, may take photographs, samples, and

collect information, as they deem necessary.

3. This Stipulation in no way affects the responsibilities of the Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.

4. The Respondent shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.

**E. Release from Liability**

In consideration of the Respondent's payment of the \$12,000.00 penalty, its commitment to cease and desist as contained in Section V.D.4 above, 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 December 8, 2014. 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, or entity other than the Respondent.

**F. Enforcement 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 the 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 the 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

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

LISA BONNETT, Director  
Illinois Environmental Protection Agency

BY:   
ELIZABETH WALLACE, Chief  
Assistant Attorney General  
Environmental Bureau

BY:   
JOHN J. KIM  
Chief Legal Counsel

DATE: 12/4/14

DATE: 11/26/14

CAPRON MANUFACTURING COMPANY

BY:   
Its: President

DATE: 11/5/14

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corporation,	)	
	)	
Respondent.	)	

**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) (2012), moves that the Illinois Pollution Control Board (“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) (2012). In support of this motion, Complainant states as follows:

1. On December 8, 2014, 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 Act, 415 ILCS 5/31 (2012), against the Respondent relating to its metal finishing facility located at 200 North Burr Oak Road, Capron, Boone County, Illinois (“Complaint”).

2. The parties have reached agreement on all outstanding issues in the Complaint.

3. This agreement is presented to the Board in a Stipulation and Proposal for Settlement filed this same date.

4. 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) (2012).

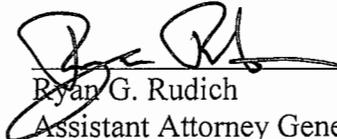
WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2012).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN  
Attorney General, State of Illinois

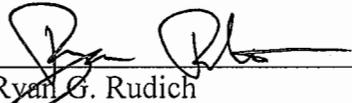
BY:

  
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Ryan G. Rudich  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602  
(312) 814-1511

DATE: December 8, 2014

**CERTIFICATE OF SERVICE**

I, Ryan G. Rudich, Assistant Attorney General, certify that on the 8<sup>th</sup> day of December, 2014, I caused to be served by U.S. Certified Mail (return receipt requested), the foregoing Notice of Filing, Complaint, Stipulation and Proposal for Settlement, and Motion for Relief from Hearing Requirement to the parties named on the Notice of Filing, by depositing same in postage prepaid envelopes with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601.

  
\_\_\_\_\_  
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