

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
 by LISA MADIGAN, Attorney)
 General of the State of Illinois,)
)
 Complainant,)
)
 -vs-)
)
 WALSH CONSTRUCTION COMPANY,)
 an Illinois corporation,)
 TERRELL MATERIALS CORPORATION,)
 an Illinois corporation, and)
 WALSH/TERRELL JOINT VENTURE,)
 an unincorporated entity,)
)
 Respondents.)

PCB No.
(Enforcement-Air)

NOTICE OF ELECTRONIC FILING

PLEASE TAKE NOTICE that we have today, June 30, 2015, filed the Complaint, Stipulation and Proposal for Settlement, and Motion for Relief from Hearing Requirement, with the Office of the Clerk of the Illinois Pollution Control Board, by electronic filing. True and accurate copies of the documents so filed are attached herewith and served upon you.

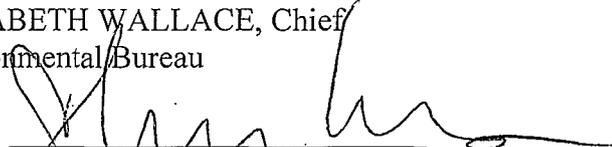
PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN
Attorney General of the
State of Illinois

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

ELIZABETH WALLACE, Chief
Environmental Bureau

BY:



CHRISTOPHER GRANT
 Environmental Bureau
 Assistant Attorney General
 69 W. Washington Street, #1800
 Chicago, Illinois 60602
 (312) 814-5388

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by LISA MADIGAN, Attorney)	
General of the State of Illinois,)	
)	
Complainant,)	
)	
-vs-)	PCB No.
)	(Enforcement-Air)
WALSH CONSTRUCTION COMPANY,)	
an Illinois corporation,)	
TERRELL MATERIALS CORPORATION,)	
an Illinois corporation, and)	
WALSH/TERRELL JOINT VENTURE,)	
an unincorporated entity,)	
)	
Respondents.)	

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of the Respondents, WALSH CONSTRUCTION COMPANY, TERRELL MATERIALS CORPORATION, and WALSH/TERRELL JOINT VENTURE, as follows:

COUNT I
FAILURE TO SUBMIT ANNUAL EMISSION REPORTS

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 the terms and provisions of Section 31 of the Environmental Protection Act ("Act"), 415 ILCS 5/31 (2014).

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 (2014), and charged, *inter alia*, with the

duty of enforcing the Act and regulations promulgated by the Illinois Pollution Control Board (“Board”).

3 At all times relevant to the Complaint, Respondent WALSH CONSTRUCTION COMPANY (“Walsh”) was, and is, an Illinois corporation, duly authorized to transact business in Illinois.

4. At all times relevant to the Complaint, Respondent TERRELL MATERIALS CORPORATION (“TMC”) was, and is, an Illinois corporation, duly authorized to transact business in Illinois.

5. At all times relevant to the Complaint, Respondent WALSH/TERRELL JOINT VENTURE (“WTJV”) was, and is, an unincorporated entity jointly owned and controlled by Walsh and TMC.

6. The Respondents are engaged, *inter alia*, in the business of recycling waste concrete using concrete crushing equipment. The crushing and recycling of waste concrete results in the emission of particulate matter to the atmosphere.

7. Particulate matter can cause harm to public health and the environment. Pursuant to Section 107 of the federal Clean Air Act, the United States Environmental Protection Agency has established National Ambient Air Quality Standards for particulate matter particles with a diameter of 10 micrometers or smaller.

8. Concrete dust and other particulate matter generated through concrete crushing operations, if inadequately controlled, can also create a nuisance in communities where such facilities are located.

9. On or about October 14, 2011, the Respondents submitted an application to the Illinois EPA, Bureau of Air, for construction and operation of a particulate matter emission unit,

identified as a portable concrete crushing plant utilizing a "Terex" crusher, spray bar dust suppression system, vibrating screen, and conveyor ("Terex Plant"). The initial location provided for the Terex Plant was 10510 Cargo Road, Chicago, Cook County, Illinois.

10. Also on or about October 14, 2011, the Respondents submitted an application to the Illinois EPA, Bureau of Air, for construction and operation of a second particulate matter emission unit, identified as a portable concrete crushing plant utilizing a "Lokotrack" crusher, spray bar dust suppression system, vibrating screen, and conveyor ("Lokotrack Plant"). The initial location provided for the Lokotrack Plant was also 10510 Cargo Road, Chicago, Cook County, Illinois.

11. On November 28, 2011, Illinois EPA issued Joint Construction and Lifetime Operating Permit Number 11100027 for the Terex Plant, and Permit Number 11100028 for the Lokotrack Plant. The Permits authorized operation of the Terex Plant and the Lokotrack Plant, subject to enumerated conditions related to the control of particulate matter generated during crushing operations.

12. From November 28, 2011 until February 24, 2015, the Respondents failed to submit annual emission reports to Illinois EPA for the Terex Plant and the Lokotrack Plant for the years 2011, 2012, and 2013.

13. Section 9 of the Act, 415 ILCS 5/9 (2014), provides, in pertinent part, as follows:

No person shall:

- (a) cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act;

* * *

14. Section 3.315 of the Act, 415 ILCS 5/3.315 (2014), 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.

15. The Respondents are “person[s]” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/2.315 (2014).

16. Section 3.165 of the Act, 415 ILCS 5/3.165 (2014), provides the following definition:

“Contaminant” is any solid, liquid or gaseous matter, any odor, or any form of energy, from whatever source.

17. Particulate matter is a “contaminant” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2014).

18. Section 201.302 of the Board regulations, 35 Ill. Adm. Code 201.302, provides, in pertinent part, as follows:

Section 201.302 Reports

- a. The owner or operator of any emission unit or air pollution control equipment, unless specifically exempted in this Section, shall submit to the Agency as a minimum, annual reports detailing the nature, specific emission units and total annual quantities of all specified air contaminant emissions; provided, however, that the Agency may require more frequent reports where necessary to accomplish the purpose of the Act and this Chapter....

19. Section 211.1950 of the Board regulations, 35 Ill. Adm. Code 211.1950, provides as follows:

“Emission unit” means any part or activity at a

stationary source that emits or has the potential to emit any air pollutant.

20. Section 211.6370 of the Board regulations, 35 Ill. Adm. Code 211.6370, provides as follows:

"Stationary Source" means any building, structure, facility, or installation that emits or may emit any air pollutant.

21. Section 211.370 of the Board regulations, 35 Ill. Adm. Code 211.370, provides as follows:

"Air pollutant" means an air pollution agent or combination of such agents, including any physical, chemical, biological, radioactive (including source material, special nuclear material, and byproduct material) substance or matter which is emitted into or otherwise enters the atmosphere. Such term includes any precursors to the formation of any air pollutant, to the extent that the relevant statute or rule has identified such precursor or precursors for particular purpose for which the term "air pollutant" is used.

22. Particulate matter is an "air pollutant" as that term is defined in Section 211.370 of the Board regulations, 35 Ill. Adm. Code 211.370.

23. The Terex Plant and the Lokotrack plant emit, or have the potential to emit, particulate matter, an "air pollutant", into the atmosphere. The Terex Plant and the Lokotrack Plant are "stationary source[s]" as that term is defined in Section 211.6370 of the Board regulations, 35 Ill. Adm. Code 211.6370, and "emission unit[s]" as that term is defined in Section 211.1950 of the Board regulations, 35 Ill. Adm. Code 211.1950. The Respondents are "owners and operators" of emission units.

24. Section 254.137 of the Board regulations, 35 Ill. Adm. Code 254.137, provides, in pertinent part, as follows:

Section 254.137 Reporting Schedule

- a) All annual Emission Reports are due by May 1 of the year following the calendar year in which the emissions took place.

* * *

25. Section 254.132 of the Board regulations, 35 Ill. Adm. Code 254.132, provides, in pertinent part, as follows:

Section 254.132 Failure to File a Complete Report

- a) Failure to file a complete Annual Emissions Report by the applicable deadlines prescribed in Section 254.137(a) of this Subpart shall be a violation of this Part and 35 Ill. Adm. Code 201.302(a).

* * *

26. As owners and operators of the Terex Plant and the Lokotrack Plant, the Respondents were required to submit annual emission reports for the each plant every calendar year from 2011 until the present. Specifically, the Respondents were required to submit Annual Emission Reports for 2011 by May 1, 2012, annual emission reports for 2012 by May 1, 2013, and annual emission reports for 2013 by May 1, 2014.

27. By failing to submit Annual Emission Reports for the Terex Plant and the Lokotrack Plant for the years 2011 through 2013 until February 24, 2015, the Respondents violated Sections 201.302 and 254.132 of the Board regulations, 35 Ill. Adm. Code Sections 201.302 and 254.132, and thereby also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2014).

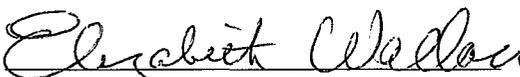
WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against the Respondents, WALSH CONSTRUCTION COMPANY, TERRELL MATERIALS CORPORATION, and WALSH/TERRELL JOINT VENTURE, on Count I:

- 1. Authorizing a hearing in this matter, at which time the Respondents will be required to answer the allegations herein;
- 2. Finding that the Respondents have violated Section 9(a) of the Act, and 35 Ill. Adm. Code Sections 201.302 and 254.132;

3. Ordering the Respondents to cease and desist from any further violation of Section 9(a) of the Act, and 35 Ill. Adm. Code Sections 201.302 and 254.132;
4. Assessing against the Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and 35 Ill. Adm. Code Sections 201.302 and 254.132, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Ordering the Respondent to pay all costs, 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,
by LISA MADIGAN, Attorney General of the State
of Illinois

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

By: 
ELIZABETH WALLACE, Chief
Environmental Enforcement
Assistant Attorney General

Of Counsel:
Christopher Grant
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington St., Suite 1800
Chicago, Illinois 60602
(312) 814-5388

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by LISA MADIGAN, Attorney)	
General of the State of Illinois,)	
)	
Complainant,)	
)	
-vs-)	PCB No.
)	(Enforcement-Air)
WALSH CONSTRUCTION COMPANY,)	
an Illinois corporation,)	
TERRELL MATERIALS CORPORATION,)	
an Illinois corporation, and)	
WALSH/TERRELL JOINT VENTURE,)	
an unincorporated entity,)	
)	
Respondents.)	

MOTION TO REQUEST RELIEF FROM HEARING REQUIREMENT

Now comes Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and requests relief from the requirement of a hearing in this matter. In support thereof, the Complainant states as follows:

1. Along with this Motion, Complainant is filing the initial Complaint in this matter, and a Stipulation and Proposal for Settlement executed between Complainant and the Respondents.

2. Section 31 of the Act, 415 ILCS 5/31 (2014), provides, in pertinent part, as follows:

* * *

(c)(2) Notwithstanding the provisions of subdivision (1) of this subsection (c), whenever a complaint has been filed on behalf of the Agency or by the People of the State of Illinois, the parties may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the requirement of a hearing pursuant to subdivision (1). Unless the

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by LISA MADIGAN, Attorney)	
General of the State of Illinois,)	
)	
Complainant,)	
)	
-vs-)	PCB No.
)	(Enforcement-Air)
WALSH CONSTRUCTION COMPANY,)	
an Illinois corporation,)	
TERRELL MATERIALS CORPORATION,)	
an Illinois corporation, and)	
WALSH/TERRELL JOINT VENTURE,)	
an unincorporated entity,)	
)	
Respondents.)	

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 the Respondents, WALSH CONSTRUCTION COMPANY, TERRELL MATERIALS CORPORATION, and WALSH/TERRELL JOINT VENTURE, ("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.* (2014), 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 June 30, 2015, 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 (2014), against the Respondents.

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 (2014).

3. At all times relevant to the Complaint, Respondent Walsh Construction Company was, and is, an Illinois corporation, duly authorized to transact business in Illinois.

4. At all times relevant to the Complaint, Respondent Terrell Materials Corporation was, and is, an Illinois corporation, duly authorized to transact business in Illinois.

5. At all times relevant to the Complaint, Respondent Walsh/Terrell Joint Venture was, and is, an unincorporated entity jointly owned and controlled by Walsh Construction Company and Terrell Materials Corporation.

6. The Respondents are owners and operators of two portable concrete crushing plants. One crushing plant includes a "Terex" crusher, spray bar dust suppression system, vibrating screen, and conveyor. The second crushing plant includes a "Lokotrack" crusher, spray bar dust suppression system, vibrating screen, and conveyor. The concrete crushing plants have the potential to emit particulate matter to the atmosphere. The initial location provided for both concrete crushing plants was 10510 Cargo Road, Chicago, Cook County, Illinois.

B. Allegations of Non-Compliance

Complainant contends that the Respondents have violated the following provisions of the Act and Board regulations:

Count I: FAILURE TO SUBMIT ANNUAL EMISSION REPORTS, violation of 415 ILCS 5/9(a) (2014), and 35 Ill. Adm. Code Sections 201.302 and 254.132.

C. Non-Admission of Violations

The Respondents neither admit nor deny the violations alleged in the Complaint filed in this matter and referenced herein.

D. Compliance Activities to Date

On or about February 24, 2015, the Respondents submitted annual emission reports for calendar years 2011 through 2013 for both portable crushing plants

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. The Respondents shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of their 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 Respondents 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 5/42 (2014).

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

Section 33(c) of the Act, 415 ILCS 5/33(c) (2014), 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. The Respondents' failure to submit annual emission reports hindered Illinois EPA's information gathering responsibilities.
2. Operation of concrete crushing equipment allows the recycling and reuse of concrete and has a social and economic benefit, provided particulate emissions are properly controlled.
3. The concrete crushing plants that are the subject of this case are portable, and the location of use varies. The initial location of the concrete crushing plants is suitable for the area in which the plants were first located. Complainant does not have specific information regarding all locations at which the plants were operated.
4. Timely submission of annual emission reports for the concrete crushing plants that are the subject of this case is technically feasible and economically reasonable.
5. On February 24, 2015, the Respondents submitted annual emission reports to

Illinois EPA for the years 2011, 2012, and 2013.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2014), 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 there from 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;
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 Respondents did not submit annual emission reports for the years 2011, 2012, and 2013 until February 24, 2015, after they were advised of the pendency of this enforcement case.
2. Complainant asserts that the Respondents were not diligent in identifying and complying with their responsibilities under the pertinent Board regulations.
3. Complainant is unaware of a substantial economic benefit to the Respondents related to the alleged violations, and asserts that assessment of a civil penalty of \$12,000.00 will recover any potential economic benefit realized by the Respondents.
4. Complainant has determined, based upon the specific facts of this matter that a penalty of \$12,000.00 will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.
5. Respondent Walsh Construction Co. has one previously adjudicated violation. In *People v. Walsh Construction Company*, PCB 14-19, Complainant alleged violations related to water pollution. On October 17, 2013, the Board accepted a Stipulation and Proposal for Settlement requiring Respondent Walsh Construction Company to pay a civil penalty of \$15,000.00. Complainant is not aware of any previously adjudicated violations by Respondents Terrell Materials Corporation or Walsh/Terrell Joint Venture.
6. The Respondents did not self-disclose the alleged violations.
7. The settlement of this matter does not include a supplemental environmental project.
8. The Parties did not enter into a Compliance Commitment Agreement.

V. TERMS OF SETTLEMENT

A. Penalty Payment

1. The Respondents shall pay a civil penalty, jointly and severally, 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 Respondents fail to make any payment required by this Stipulation on or before the date upon which the payment is due, the Respondents 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, 415 ILCS 5/42(g) (2014), interest shall accrue on any penalty amount owed by the Respondents 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 case name and case 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:

Christopher J. Grant
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington, Suite 1800
Chicago, Illinois 60602

D. Future Compliance

1. At all times in the future, the Respondents shall submit Annual Emission Reports for the two concrete crushing plants for the prior year by May 1st of the following year.

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

3. The Respondents 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 Respondents' payment of the \$12,000.00 penalty, their commitment to cease and desist as contained in Section V.D.3 above, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondents 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

June 30, 2015. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondents 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 Respondents' 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 (2014), or entity other than the Respondents.

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 of the
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: 6/15/15

DATE: 6/10/15

WALSH CONSTRUCTION COMPANY

BY: Eric Klupp

TITLE: Corporate Counsel

DATE: 6/19/15

TERRELL MATERIALS CORPORATION

BY: Paul C. Dumas

TITLE: PRESIDENT

DATE: 6.22.15

WALSH/TERRELL JOINT VENTURE

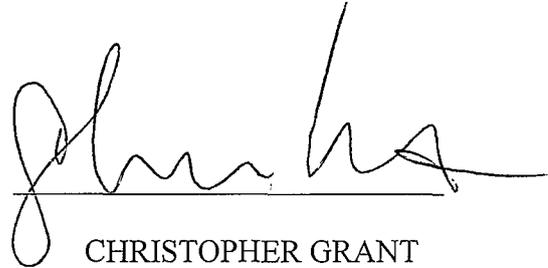
BY: Eric Klupp

TITLE: Corporate Counsel

DATE: 6/19/15

CERTIFICATE OF SERVICE

I, CHRISTOPHER GRANT, an attorney, do certify that I caused to be served this 30th day of June, 2015, the Complaint, Stipulation and Proposal for Settlement, Motion to Request Relief from the Hearing Requirement, and Notice of Electronic Filing, upon the person listed below by placing same in an envelope bearing sufficient postage with the United States Postal Service located at 100 W. Randolph, Chicago, Illinois.



CHRISTOPHER GRANT

SERVICE LIST:

Mr. Eric Klupp
Counsel for Respondents
c/o Walsh Construction Company
929 West Adams Street
Chicago, IL 60607
by Certified Mail