

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB NO. 09-60
)	(Enforcement)
CROP PRODUCTION SERVICES,)	
)	
Respondent.)	

NOTICE OF FILING

To:	Edward Dwyer,	Carol Webb
	HeplerBroom, LLC	Hearing Officer
	3150 Roland Avenue	Illinois Pollution Control Board
	P.O. Box 5776	1021 North Grand Avenue East
	Springfield, IL 62705-5776	Springfield, IL 62794

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Pollution Control Board Stipulation and Proposal for Settlement, and Motion for Relief from Hearing Requirement, of the People of the State of Illinois by LISA MADIGAN, Attorney General of the State of Illinois, a copy of which is herewith served upon you.

s/Jane E. McBride
JANE E. MCBRIDE, Assistant Attorney General

Dated: April 5, 2016

JANE E. MCBRIDE, #6229802
Assistant Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
(217) 782-9033

CERTIFICATE OF SERVICE

I hereby certify that on April 5, 2016, via First Class Mail, with postage thereon fully prepaid and by depositing in a United States Post Office Box, I mailed a true and correct copy of the Notice of Filing of Stipulation and Proposal for Settlement and Motion for Relief from Hearing Requirement to:

Edward Dwyer
HeplerBroom, LLC
3150 Roland Avenue
P.O. Box 5776
Springfield, IL 62705-5776

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, IL 62794

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN, Attorney General of the
State of Illinois,

JANE E. MCBRIDE, Assistant Chief
Environmental Bureau South

BY: s/Jane E. McBride
JANE E. MCBRIDE, #6229802
Assistant Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
(217) 782-9033

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB NO. 09-60
)	(Enforcement)
CROP PRODUCTION SERVICES,)	
a Delaware corporation,)	
Respondent.)	

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 Crop Production Services ("Respondent") ("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.*, and the Board's Regulations, alleged in the First Amended Complaint ("Amended 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 April 6, 2009, the Amended 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, 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.

3. The Respondent, Crop Production Services, Inc. ("CPS"), a subsidiary of United Agri Products, Inc., a foreign corporation in good standing in the State of Illinois. At all times relevant to this complaint, UAP Distribution, Inc. owned and operated the subject sites. Crop Production Services, Western Farm Service, Inc. and UAP Distribution, Inc., were affiliated companies under the common ownership of United Agri Products, Inc. The three affiliated companies merged effective January 1, 2009. The surviving entity is UAP Distribution, Inc. In connection with the merger, UAP Distribution, Inc. changed its name to Crop Production Services, Inc. CPS' corporate headquarters is located at 3005 Rocky Mountain Avenue Loveland, CO 80538. CPS sells feed by retail and sells farm supplies by both retail and wholesale. CPS' registered agent is CT Corporation Systems, 208 South LaSalle Street, Suite 814, Chicago, IL 60604.

B. Site Description

1. At all times relevant to the Amended Complaint, Respondent owned and operated an agricultural chemical and fertilizer retail facility northeast of Jacksonville, Illinois in Morgan County. The facility is known as CPS ("Sinclair"). The legal description of the site is SW 1/4, Section 28, T16N, R9W ("Road District No. 1"), Morgan County (the "site" or "facility"). The facility is located in the community of Sinclair, which consists of an unincorporated area including four residential structures and the CPS facility. The facility is located in the watershed of the Lower Illinois River. Indian Creek is a tributary to the Illinois River.

2. At all times relevant to the Amended Complaint, Respondent CPS owned and operated an agricultural chemical and fertilizer retail facility in the southeast portion of White Hall in Greene County. The facility is known as CPS ("White Hall"). The legal description of the site is NE 1/4, Section 2, T11N, R12W (White Hall Township), Greene County (the "site" or

"facility"). The facility is located in White Hall, bordered on the west by an active railroad. The facility is bordered on the north by East Carlinville Street, on the south by Tunison Street and on the east by White Street. It is located in a residential area. The majority of surface drainage from the White Hall facility flows to the south. A stormwater inlet structure is located at the south end of the facility in the north street ditch of Tunison Street. Subsurface drainage from the stormwater inlet flows southeast to a 30-inch corrugated metal outlet pipe located on the east side of Fulton Street.

3. At times relevant to the Amended Complaint, Respondent CPS owned and operated an agrichemical retail facility located about 1 mile southwest of Galesburg and approximately 1/4 mile east of Highway 41 in Knox County ("Galesburg"). The approximately 4 acre site is located in an agricultural area. It is bordered on the east and west by cropland, on the south by County Road 10 and on the north by an unnamed tributary to Cedar Creek. Surface runoff is to the northwest, into the unnamed tributary to Cedar Creek.

C. Allegations of Non-Compliance

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

Count I Sinclair Site:

1. By causing, allowing or threatening the discharge of contaminants to waters of the State so as to cause or tend to cause water pollution in Illinois or to violate the Board's regulations or standards, the Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a).

2. By depositing contaminants upon the land in such place and manner as to create a water pollution hazard, the Respondent has violated Section 12(d) of the Act, 415 ILCS 5/12(d).

Count II White Hall Site:

3. By causing, allowing or threatening the discharge of contaminants to waters of the State so as to cause or tend to cause water pollution in Illinois and/or in violation of the Board's regulations or standards, the Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a).

4. By depositing contaminants upon the land in such place and manner as to create a water pollution hazard, the Respondent has violated Section 12(d) of the Act, 415 ILCS 5/12(d).

Count III Galesburg Site:

5. By causing, allowing or threatening the discharge of contaminants to waters of the State so as to cause or tend to cause water pollution in Illinois or to violate the Board's regulations or standards, the Respondent has violated Section 12(a) of the Act, 415 ILCS 5/12(a).

6. By depositing contaminants upon the land in such place and manner as to create a water pollution hazard, the Respondent has violated Section 12(d) of the Act, 415 ILCS 5/12(d).

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 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.

E. Compliance Activities to Date

The Respondent has completed remediation of the White Hall site under the supervision of Illinois EPA's State Sites Unit, with the exception of securing agreement with the Illinois EPA

upon and the recording of, a Uniform Environmental Covenant, ("UEC"), in accordance with the Uniform Environmental Act, ("UECA") 765 ILCS 122 *et. seq.* With regard to the Sinclair site, remediation measures continue under the supervision of the Illinois EPA's State Sites Unit. Respondent is in the process of entering into a Review and Evaluation Services Agreement with the Illinois EPA to bring the Galesburg site under the supervision of the State Sites Unit as well.

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 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.

The Respondent shall notify each contractor to be retained to perform work required in this Stipulation of each of the requirements of this Stipulation relevant to the activities to be performed by that contractor, including all relevant work schedules and reporting deadlines, and shall provide a copy of this Stipulation to each contractor already retained no later than thirty (30) calendar days after the date the Board adopts and accepts this Stipulation. In addition, the Respondent shall provide copies of all schedules for implementation of the provisions of this Stipulation to the prime vendor(s) supplying the control technology systems and other equipment required by this Stipulation.

No change in ownership, corporate status or operator of the facility shall in any way alter the responsibilities of the Respondent under this Stipulation. In the event that the Respondent proposes to sell or transfer the Sinclair or Galesburg sites prior to completion of the work required by this Stipulation, the Respondent shall notify the Complainant thirty (30) calendar days after the conveyance of title, ownership or other interest, including a leasehold interest in the facility or a portion thereof. The Respondent shall provide a copy of this Stipulation to any successor in interest and the Respondent shall continue to be bound by and remain liable for performance of all obligations Section V. D, paragraphs 1-10 under this Stipulation, until such time as all specified future compliance obligations have been completed. In appropriate circumstances, however, the Respondent and a proposed purchaser or operator of the facility may jointly request, and the Complainant, in its discretion, may consider modification of this Stipulation to obligate the proposed purchaser or operator to carry out future requirements of this Stipulation in place of, or in addition to, the Respondent. This provision does not relieve the Respondent from compliance with any regulatory requirement regarding notice and transfer of applicable facility permits.

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

Section 33(c) of the Act, 415 ILCS 5/33(c), 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. At the Sinclair site, human health and the environment were briefly threatened by the release of 28 percent nitrogen fertilizer. The Respondent promptly provided bottled water to nearby homes from the time of the release until a public water distribution was extended to the subject households. Nitrogen exceeded provisional soil remediation objectives but herbicide concentrations (alachlor) exceeded 35 Ill. Adm. Code Part 742 ("TACO") objectives. The Respondent conducted excavations of contaminated soil. Respondent has facilitated the abandonment of the two private wells that are located within the 200 foot setback.

At the White Hall site, human health and the environment were briefly threatened by the release of 32 percent nitrogen fertilizer solution, and the Illinois EPA's information gathering responsibilities were hindered by the Respondent's violations. Respondent installed groundwater monitoring wells and excavated contaminated soil. Respondent also utilized the City's Groundwater Ordinance as an institutional control to eliminate the groundwater pathway and installed a phyto remediation system to address any residual nitrate impact to soils and groundwater. On September 11, 2011, the State advised Respondent that no further active remedial work was required at White Hall. In 2015, the State advised Respondent that it would require a UEC, in accordance with the UECA, to complete closure of the White Hall site.

With regard to the Galesburg site, on July 21, 2007, a chemical storage tank was being transported from the Galesburg site to another location by a third party contractor. During transportation liquid residual in the tank was accidentally released on pavement on Route 34 in Monmouth, IL. On July 23, 2007, an Illinois EPA inspector conducted an inspection at the Galesburg site where the tank originated. The inspector observed what he considered

significant yellow staining on the surface of the gravel lot. The amber color is characteristic of nitrogen fertilizer. Respondent has conducted a site assessment. Two of the samples exceeded their respective default pesticide soil cleanup objectives. One sample had an alachlor exceedance and the other had a metolachlor exceedance. Nitrate soil cleanup objective exceedances were observed in 16 locations in and around the observed stained area at the site. Based on the results of the investigation, human health and the environment were threatened by the release of fertilizer and pesticides on the road in Monmouth and at the Galesburg site. In the course of soil excavation conducted in December 2014, Respondent's contractor unexpectedly unearthed approximately 200 pesticide canisters on the site. Illinois EPA was promptly notified and approved the removal of the canisters. Soil samples obtained at the time of the excavation again indicated nitrate/nitrite exceedance north of a concrete pad remaining on the site and at locations under the pad where borings were conducted to allow for soil sampling.

2. There is social and economic benefit to the three sites.

3. Operation of the three facilities was suitable for the respective areas in which they existed.

4. It is both technically practicable and economically reasonable to prevent the releases that are the subject of the Amended Complaint, and it is both technically practicable and economically reasonable to remediate the three sites, including the use of 35 Ill. Adm. Code Part 742.

5. Respondent has completed physical remediation under the supervision of the Illinois EPA's State Sites Unit for the White Hall site, and has committed to complete remediation of the Sinclair and Galesburg sites also under supervision of the Illinois EPA's State Sites Unit.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h)(2006), 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.

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

1. For the White Hall site, the spill was discovered in February 2005. In August 2005 a synthetic liner was installed in the containment dike where the aboveground storage tank ("AST") that experienced the release was located. As of the end of July 2005, according to CPS' July 2009 Site Investigation Report, the soil excavation was completed and a report was submitted to Illinois Department of Agriculture under its applicable regulations that included a recommendation that monitoring wells be installed at the site. On May 16, 2007, the White Hall

site was brought under the supervision of the Illinois EPA's State Sites Unit. A Remedial Action Completion Report (RACR) was submitted to the Complainant in October of 2010 which included copies of notification letters to off-site property owners and the use of the City of White Hall's Groundwater Ordinance to close out the release incident. In response to comments from the Illinois EPA, Respondent submitted an Addendum to the Remedial Action Completion Report (RACR) in March 2011. Subsequently, in September 2011, the Complainant advised Respondent that no further active remedial work was required at the White Hall Site. In 2015, the State advised Respondent that it would require a UEC to complete closure of the White Hall site.

The Sinclair release was discovered in July 2005. As of January 2006, soil excavation was completed and in February 2006, the excavated soil was land applied. In August 2005, UAP sent the Illinois EPA a letter describing the release and immediate response activities. The letter included soil data. Also in that letter, UAP indicated that when liquid fertilizer was released, some of it reached the intermittent stream located just east of the facility. UAP flushed the stream with 6,000 gallons of water. In May and June of 2006, UAP completed stream water confirmation sampling. On May 16, 2007, the Sinclair site was brought under the supervision of the Illinois EPA's State Sites Unit. The Sinclair site is proceeding toward completion of corrective action.

On July 21, 2007, material being transported from the Galesburg site was released from a truck on pavement on Route 34 in Monmouth, IL. On July 23, 2007, an Illinois EPA inspector conducted an inspection at the site where the tank originated. At the time of a site investigation, staining was observed on the surface of a gravel lot on the north side of the load out area at the Galesburg facility. The yellow colored stain extended north from the load out pad into a low area of liquid ponded on site. This liquid accumulated in the area northwest of the fertilizer tank farm and appeared to discharge into the unnamed tributary to Cedar Creek on the north side of

the facility. However, there was no run-off to the creek from the area of the spill at the time of the Illinois EPA inspection. The original demand for a site investigation and remediation was made by letter correspondence dated June 1, 2009. As a result of settlement negotiations, and after review of a workplan by Illinois EPA personnel, the site investigation was commenced in the summer and fall of 2011. Soil excavation was conducted in December 2014.

2. With regard to the White Hall and Sinclair sites, Respondent was diligent in executing immediate response, attempting to conduct site investigation, development of remediation plans and the completion of all work under the State Sites Unit. The Respondent was slow to initiate a site investigation of the Galesburg site, in part due to settlement negotiations. The original demand for the site investigation and remediation was made by letter correspondence dated June 1, 2009. The site investigation was not conducted until the summer and fall of 2011.

3. The agreed penalty exceeds economic benefit calculated for the three sites.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Seventy Six Thousand Dollars (\$76,000.00) addressing the alleged violations at all three Sites, will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

5. The CPS-Galesburg site, was the subject of a prior enforcement action:

People v. Crop Production Services, Inc., AEH Construction, Inc., and Gunther Construction Company, PCB 02-37 Enforcement-Land. This action also involved two other businesses that had dumped construction waste at the site. Waste was removed above ground at the site in response to the VN and the Peoria, Illinois Field Operations Section determined by inspection that the site returned to compliance on September 5, 2003.

6. Self-disclosure occurred at the Sinclair and White Hall sites. The transport spill associated with the Galesburg site and the contamination at the Galesburg site were not disclosed by the Respondent. Respondent was not aware of the release event during the

transport of the tank until notified by the Galesburg Fire Department and state authorities. A release report had already been reported by local authorities.

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

V. TERMS OF SETTLEMENT

A. Penalty Payment

The Respondent shall pay a civil penalty in the sum of Seventy Six Thousand Dollars (\$76,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

B. Stipulated Penalties, Interest and Default

1. If the Respondent fails to complete any activity or fails to comply with any response or reporting requirement by the date specified in this Stipulation, the Respondent shall provide notice to the Complainant of each failure to comply with this Stipulation and shall pay stipulated penalties in the amount of \$250.00 per day until such time that compliance is achieved. The Complainant may make a demand for stipulated penalties upon the Respondent for its noncompliance with this Stipulation. However, failure by the Complainant to make this demand shall not relieve the Respondent of the obligation to pay stipulated penalties. All stipulated penalties shall be payable within thirty (30) calendar days of the date the Respondent knows or should have known of its noncompliance with any provision of this Stipulation.

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

The penalty payment 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:

Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706

D. Future Compliance

Sinclair Site

1. Respondent shall maintain the Sinclair site under the supervision of the Illinois EPA's State Site Unit and promptly complete all work required under said supervision, including the submittal of a new Remediation Objectives Report/Remedial Action Plan ("ROR/RAP") within sixty (60) days of the date the Board adopts and accepts this Stipulation, and the submittal of a RACR within ninety (90) days of Illinois EPA approval of the ROR/RAP, in accordance with the Illinois EPA's comments in the July 10, 2015 letter, both in accordance with Attachment A. A draft UEC shall be included with submission of the ROR/RAP.

2. Respondent shall establish a UEC for the site, under the UECA, for the required restrictions. A certified copy of the recorded UEC shall be submitted with the RACR.

3. Respondent shall submit payment to the Illinois EPA State Sites Unit for all invoices that have been received by Respondent, for costs due under the Review and

Evaluation Services Agreement for the Sinclair Site within thirty (30) days of the date the Board adopts and accepts this Stipulation, and will submit payment to the Illinois EPA Fiscal Services for future invoices within sixty (60) days of receipt of such invoices. All checks shall be made payable to the Illinois EPA for deposit into the Hazardous Waste Fund and shall reference Land Pollution Control number #1378660001 and code LP52 89P on the face of the check.

White Hall Site

4. Respondent shall establish a UEC for the site, under the UECA , for the required restrictions. A draft UEC for White Hall shall be submitted to Illinois EPA for approval within forty five (45) days of the date the Board adopts and accepts this Stipulation. The final UEC shall be recorded within ninety days of Illinois EPA's approval of the draft UEC. Respondent shall provide Illinois EPA with a copy of the recorded UEC.

5. Respondent shall submit payment to the Illinois EPA Fiscal Services for all invoices that have been reviewed by Respondent, for costs due under the Review and Evaluation Services Agreement for the White Hall Site which have been received by CPS, within thirty (30) days of the date the Board adopts and accepts this Stipulation. All checks shall be made payable to the Illinois EPA for deposit into the Hazardous Waste Fund and shall reference Land Pollution Control number #0610405015 and code LP52 88P on the face of the check.

Galesburg Site

6. Respondent shall enter into a Review and Evaluation Services Agreement for supervision of remediation of the Galesburg site by the Illinois EPA's State Sites Unit within fourteen (14) days of the date the Board adopts and accepts this Stipulation. All work for the Galesburg site shall be in accordance with the requirements of Attachment A and under the supervision of the Illinois EPA's State Sites Unit. Respondent shall promptly complete all work required under said supervision as follows:

- a) Respondent shall submit a report detailing the site investigation work that has been completed to date and a proposal for future investigation within forty-five (45) days of the date the Board adopts and accepts this Stipulation. Future sampling will include analysis of soil and/or groundwater samples for the following:
- i. Routine Pesticides/Herbicides by Electron Capture Detector (ECD) by Method 8081-organochlorine pesticides.
 - ii. Pesticides/Herbicides by Nitrogen Phosphorus Detector (NPD) by Method 8141-organophosphorus compounds.
 - iii. Phenoxy Herbicides by ECD by Method 8150 – chlorinated acid herbicides.

Based on the information contained in the report of the site investigation work that has been completed to date, this list may be modified at the discretion of the Illinois EPA.

- b) Respondent shall submit a Site Investigation Report/Remediation Objectives Report ("SIR/ROR") within sixty (60) days of Illinois EPA approval of the Summary and Proposal for Additional Investigation.
- c) Respondent shall submit a RAP within forty-five (45) days of Illinois EPA approval of the SIR/ROR.
- d) Respondent shall submit a RACR within one hundred twenty (120) days of Illinois EPA approval of the RAP. The RACR shall be submitted no later than three years after the date the Board adopts and accepts this Stipulation.

7. Respondent shall establish a UEC for the site, under the UECA, if and only if restrictions on future use are proposed or required by Illinois EPA, as part of the closure of the release incident for the Galesburg site.

8. Respondent shall submit payment to the Illinois EPA Fiscal Services for all invoices received by CPS for costs due under the Review and Evaluation Services Agreement for the Galesburg site within thirty (30) days of the date the Board adopts and accepts this Stipulation, and will submit payment to the Illinois EPA Fiscal Services for future invoices within sixty (60) days of receipt of such invoices. All checks shall be made payable to the Illinois EPA for deposit into the Hazardous Waste Fund and shall reference Land Pollution Control number #0950105062 and code LP52 0Q1 on the face of the check.

For All Sites

9. The deadlines set forth in Paragraphs D 1 and D 8 above are specifically subject to the terms of paragraph G, below.

10. 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 sites at Sinclair and Galesburg, Illinois, 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, until such time as future compliance activities have been completed. The Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives shall comply with all health and safety requirements governing the Sinclair and Galesburg facilities as a condition of such access.

11. 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.

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

E. Release from Liability

In consideration of the Respondent's payment of the \$76,000.00 penalty, its commitment to cease and desist as contained in Section V.D. above, and 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 Amended Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Amended Complaint filed on April 6, 2009. 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 resource damages 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. Correspondence, Reports and Other Documents

Any and all correspondence, reports and any other documents required under this Stipulation, except for penalty payments, shall be submitted as follows:

As to the Complainant

Jane E. McBride
Assistant Chief
Environmental Bureau
500 South Second Street
Springfield, Illinois 62702
JMcBride@atg.state.il.us

Joey Logan Pugh
Division of Legal Counsel, Bureau of Water
Illinois EPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
Joey.Logan-Pugh@Illinois.gov

Vanessa Myers (two copies)
State Sites Unit
Illinois EPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

As to the Respondent

Brian Duggan, PE, Environmental Project Manager
Crop Production Services, Inc.
3005 Rocky Mountain Avenue
Loveland, Colorado 80538
Brian.Duggan@cpsagu.com

Edward W. Dwyer.
HeplerBroom, LLC
PO Box 5776
Springfield, IL 62705
Edward.Dwyer@heplerbroom.com

G. Enforcement and Modification of Stipulation

1. 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.

2. The Parties to the Stipulation may, by mutual written consent, agree to extend any compliance dates or modify the terms of this Stipulation. Agreement to extend any compliance dates shall not be unreasonably withheld when good cause is shown. A request for any modification shall be made in writing and submitted to the contact persons identified in Section V.G. Any such request shall be made by separate document, and shall not be submitted within any other report or submittal required by this Stipulation. Any such agreed extension of compliance date or modification shall be in writing, signed by authorized representatives of the Parties to the Stipulation.

H. Termination

Upon Respondent's completion of all actions required at the Sinclair and Galesburg sites in Section V. D. 1-12, including the recording of the UECs, Respondent shall have no further obligations under this Stipulation, except for Section V. D. paragraph 11.

I. 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

LISA MADIGAN
Attorney General
State of Illinois Attorney General

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

BY: *Andrew Armstrong*
ANDREW ARMSTRONG, Chief
Environmental Bureau
Assistant Attorney General

DATE: 02/26/2016

FOR THE ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

Lisa Bonnett, Director
Illinois Environmental Protection Agency

BY: *[Signature]*
John J. Kim
Chief Legal Counsel

DATE: 2/22/16

CROP PRODUCTION SERVICES, INC.

BY: *J. Billy Pirkie*
Name: J. Billy Pirkie

Title: Jr Director EHS

DATE: 3/25/2016

Attachment A – Investigation and Report Guidelines

1. Site Investigation – General

A site investigation shall be performed under this Stipulation and Proposal for Settlement (“Stipulation”) to identify all recognized environmental conditions existing at the remediation site, the related contaminants of concern (“COCs”), and associated factors that will aid in the identification of risks to human health, safety and the environment, the determination of remediation objectives, and the design and implementation of a Remedial Action Plan.

The Site investigation shall satisfy the following data quality objectives for field and laboratory operations to ensure that all data is scientifically valid and of known precision and accuracy:

- a) All field sampling activities relative to sample collection, documentation, preparation, labeling, storage, shipment and security, quality assurance and quality control, acceptance criteria, corrective action, and decontamination procedures shall be conducted in accordance with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), Vol. One, Ch. One (Quality Control) and Vol. Two (Field Manual). If approved by the Agency, such activities also may be conducted in accordance with ASTM standards, methods identified in "A Compendium of Superfund Field Operations Methods" (EPA/540/0-87-001, OSWER Directive 9355.0-14, December 1987), "Subsurface Characterization and Monitoring Techniques: A Desk Reference Guide, Volume I: Solids and Ground Water, Appendices A and B" (EPA/625/R-93/003a, May 1993), "Subsurface Characterization and Monitoring Techniques: A Desk Reference Guide, Volume II: The Vadose Zone, Field Screening and Analytical Methods, Appendices C and D" (EPA/625/R-93/003b, May 1993), or other procedures.
- b) All field measurement activities relative to equipment and instrument operation, calibration and maintenance, corrective action, and data handling shall be conducted in accordance with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), Vol. One, Ch. One (Quality Control), or with an equipment or instrument manufacturer's or vendor's published standard operating procedures.
- c) All laboratory quantitative analysis of samples to determine concentrations of regulated substances or pesticides shall be conducted fully in accordance with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), relative to all facilities, equipment and instrumentation, operating procedures, sample management, test methods, equipment calibration and maintenance, quality assurance and quality control, corrective action, data reduction and validation, reporting, and records management. The practical quantitation limit (PQL) of the test methods selected must be less than or equal to the most protective Tier 1 soil remediation objectives in 35 Ill. Adm. Code 742.Appendix B, applicable groundwater remediation objectives under 35 Ill.

Adm Code 742.Appendix B, or, if already determined, the remediation objective concentrations for the site. If a contaminant of concern is not identified in Part 742 or the remediation objectives for the site have not been determined, the PQL shall equal the lowest concentration that reliably can be achieved within specified limits of precision and accuracy during routine laboratory operating conditions but shall not be greater than ten times the method detection limit.

- d) All field or laboratory measurements of samples to determine physical or geophysical characteristics shall be conducted in accordance with ASTM standards or other procedures as approved by the Agency.
- e) All laboratory quantitative analyses of samples to determine concentrations of any regulated substances or pesticides that require more exacting detection limits or cannot be analyzed by standard methods identified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), shall be conducted in accordance with analytical protocols developed in consultation with and approved by the Agency.
- f) Effective January 1, 2003, all quantitative analyses of samples collected on or after that date and utilizing any of the approved test methods identified in 35 Ill. Adm. Code 186.180 shall be completed by an accredited laboratory in accordance with the requirements of 35 Ill. Adm. Code 186. Quantitative analyses not utilizing an accredited laboratory in accordance with Part 186 shall be deemed invalid.

2. Reports – General

All plans and reports required by the Stipulation shall be submitted to the Illinois EPA with attachments and accompanying documentation as necessary. Plans and reports shall be mailed or delivered to the address designated by the Stipulation. Plans and reports that are hand-delivered to the Illinois EPA shall be delivered during the Illinois EPA's normal business hours.

All plans and reports submitted to the Illinois EPA shall include:

- a) The full legal name, address and telephone number of the Defendant or any authorized agent acting on behalf of the Defendant, and any contact persons to whom inquiries and correspondence must be addressed;
- b) The original signature of the Defendant or of any authorized agent acting on behalf of the Defendant;
- c) The name of the Licensed Professional Engineer (LPE) responsible for site activities and preparation of the plan or report, the date of preparation, registration number, license expiration date, and professional seal; and

- d) The LPE responsible for the site investigations, remedial activities, and preparation of the plans or reports shall affirm by original signature as follows:

"I attest that all site investigations or remedial activities, including review of laboratory data, that are the subject of this plan or report were performed under my direction and this document and all attachments were prepared under my direction or reviewed by me, and, to the best of my knowledge and belief, the work described in the plan or report has been designed or completed in accordance with the Act, and generally accepted engineering practices, and the information presented, including any qualified laboratory data, is accurate and complete."

3. Focused Site Investigation

The focused site investigation shall be performed where the Defendant has specified limitations on the recognized environmental conditions or COCs. At a minimum the focused site investigation shall include:

- a) A remediation site evaluation to identify the following features as relevant to the focus of the investigation:
- 1) Current and post-remediation use(s) of the remediation site and surrounding areas that are immediately adjacent to the remediation site;
 - 2) Physical setting including features relevant to geologic, hydrogeologic, hydrologic, and topographic conditions; structures or other improvements on the remediation site; public thoroughfares adjoining the remediation site, as well any roads, streets, and parking facilities on the remediation site; utilities located on or adjacent to the remediation site; source of potable water supply; and sewage disposal system;
 - 3) The presence of containers and storage tanks containing the selected COCs, including contents, and assessment of leakage or potential for leakage; and
 - 4) Any other environmental, geologic, geographic, hydrologic or physical conditions of concern at the remediation site and surrounding areas immediately adjacent to the remediation site;
- b) Review of reasonably obtainable records relevant to the recognized environmental conditions and the related COCs for the remediation site and areas immediately adjacent to the remediation site, records of environmental enforcement actions and their subsequent responses, any previous response actions conducted by either local, State, federal or private parties, and a list of documents and studies prepared for the remediation site;

- c) Characterization of sources and potential sources of recognized environmental conditions and the related COCs, identifying:
 - 1) The sources or potential sources of the COCs;
 - 2) The sampling, analyses, and field screening measurements indicating the concentrations of the COCs; and
 - 3) The statutory or regulatory classification of the COCs and contaminated materials (e.g., hazardous waste, hazardous substance, special waste);
- d) Characterization of the extent of the COCs, identifying:
 - 1) The actual contaminated medium or media of concern;
 - 2) The three-dimensional configuration of the COCs with concentrations delineated; and
 - 3) The nature, direction, and rate of movement of the COCs and degradation products;
- e) Characterization of current and post-remediation exposure routes, identifying:
 - 1) All natural and man-made pathways that are on the remediation site, in rights-of-way attached to the remediation site, or in any areas surrounding the remediation site that may be adversely affected as a result of a release from the recognized environmental conditions and whether there is evidence of migration of COCs, in either solution or vapors, along such pathways that may potentially threaten human or environmental receptors or that may cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other spaces;
 - 2) The locations of any human and environmental receptors and receptor exposure routes; and
 - 3) Current and post-remediation uses of affected or potentially affected land, groundwater, surface water, and sensitive habitats; and
- f) Characterization of significant physical features of the site and vicinity that may affect contaminant transport and risk to human health, safety and the environment.

4. Focused Site Investigation Report

- a) Data and results from the focused site investigation shall be combined into one Site Investigation Report.

- b) A Site Investigation Report for the focused site investigation shall include the results and methodologies of the investigation performed pursuant to Attachment A.3 and the following chapters:
- 1) Executive summary. This chapter shall identify the objectives of the site investigation and the technical approach utilized to meet such objectives. It shall state the recognized environmental conditions and related COCs specified by the Defendant and the data limitations in the assessment;
 - 2) Site description.
 - A) If a phase I environmental site assessment has been completed in accordance with in accordance with the procedures for such assessments set forth in "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" (ASTM E 1527-00) then the results may be submitted in accordance with item 3 of this Attachment;
 - B) This subchapter shall state the method used for the evaluation of the remediation site and areas immediately adjacent to the remediation site and document the observations obtained (e.g., grid patterns or other systematic approaches used for large properties). It shall describe the regional location, pertinent boundary features, general facility physiography, geology, hydrogeology, and current and post-remediation uses of the remediation site and areas immediately adjacent to the remediation site;
 - C) Site base map(s) meeting the following requirements
 - i) A distance of at least 1,000 feet around the remediation site at a scale no smaller than one inch equal to 200 feet;
 - ii) Map scale, north arrow orientation, date, and location of the site with respect to township, range and section;
 - iii) Remediation site boundary lines, with the owners of property adjacent to the remediation site clearly indicated, if reasonably identifiable;
 - iv) Surrounding land uses (e.g., residential property, industrial/commercial property, agricultural property, and conservation property);
 - v) The sources or potential sources of the COCs, spill areas, and other suspected areas for any or all COCs;

- vi) On-site and off-site injection and withdrawal wells; and
 - vii) All buildings, tanks, piles, utilities, paved areas, easements, rights-of-way and other features, including all known past and current product and waste underground tanks or piping.
- D) A legal description or reference to a plat showing the boundaries of the remediation site, or, for a Federal Landholding Entity, a common address, notations in any available facility master land use plan, site specific GIS or GPS coordinates, plat maps, or any other means that identifies the site in question with particularity;
- 3) Enforcement or response actions. This chapter shall include the following information as relevant to the recognized environmental conditions:
- A) A summary of environmental enforcement actions for the remediation site and areas immediately adjacent to the remediation site and their subsequent responses;
 - B) Any previous response actions conducted by either local, State, federal or private parties at those sites; and
 - C) A list of documents and studies prepared for those sites;
- 4) Site-specific sampling plan. This chapter shall indicate those applicable physical and chemical methods utilized for contaminant source investigations, soil and sediment investigations, hydrogeological investigations, surface water investigations, and potential receptor investigations;
- 5) Documentation of field activities. This chapter shall include the results of the field activities to determine physical characteristics. At a minimum, this chapter shall include the following elements:
- A) Narrative description of the field activities conducted during the investigation;
 - B) The quality assurance project plan utilized to document all monitoring procedures (e.g., sampling, field measurements and sample analysis) performed during the investigation, so as to ensure that all information, data and resulting decisions are technically sound, statistically valid, and properly documented; and
 - C) Presentation of the data in an appropriate format (e.g., tabular displays) such that all information is organized and presented

logically and that relationships between the different investigations for each medium are apparent;

- 6) Endangerment assessment. This chapter shall analyze the results of the field activities and characterize the extent of contamination (qualitative and quantitative) for COCs related to the recognized environmental conditions and compare the site information with the applicable provisions of this Stipulation. This chapter shall:
 - A) Describe any recognized environmental conditions, evaluate exposure routes, including threatened releases.
 - B) Describe the nature, concentration and extent of COCs within all environmental media at the remediation site and assess the observed and potential contaminant fate and transport;
 - C) Describe the significant physical features of the remediation site and vicinity that may affect contaminant transport and risk to human health, safety and the environment; and
 - D) Compare the concentrations of the COCs with the corresponding remediation objectives established in this Stipulation;
- 7) Conclusion. This chapter shall assess the sufficiency of the data in the report and recommend future steps;
- 8) Appendices. Supporting documentation, references and data sources, including, but not limited to, field logs, well logs, and reports of laboratory analyses, shall be incorporated into the appendices with reports containing laboratory analyses of samples collected on or after January 1, 2003, including the following:
 - A) Accreditation status of the laboratory performing the quantitative analyses;
 - B) Certification by an authorized agent of the laboratory that all analyses have been performed in accordance with the requirements of 35 Ill. Adm. Code 186 and the scope of accreditation; and
- 9) Licensed Professional Engineer affirmation in accordance with item 2.d. of this Attachment.

5. Remediation Objectives Report

The Remediation Objectives Report shall address the recognized environmental condition(s) and related COCs that were identified in the site investigation conducted pursuant to this Part.

- a) If an exposure route is to be excluded, the Defendant shall prepare a Remediation Objectives Report demonstrating that the requirements for excluding an exposure route under 35 Ill. Adm. Code 742 have been satisfied.
- b) If the Defendant elects to use the Tier 1 remediation objectives under 35 Ill. Adm. Code 742, the Defendant shall prepare a Remediation Objectives Report stating the applicable remediation objectives for the COCs.
- c) If the Defendant elects to develop remediation objectives appropriate for the remediation site using Tier 2 or Tier 3 procedures under 35 Ill. Adm. Code 742, the Defendant shall prepare a Remediation Objectives Report demonstrating compliance with those procedures.
- d) If the Defendant elects to develop remediation objectives appropriate for the remediation site using the area background procedures under 35 Ill. Adm. Code 742, the Defendant shall prepare a Remediation Objectives Report demonstrating compliance with those procedures.
- e) If the recognized environmental condition requires remediation measures other than, or in addition to, remediation objectives determined under 35 Ill. Adm. Code 742 (e.g., removal of drums threatening a release), the Remediation Objectives Report shall describe those measures and demonstrate that the measures selected:
 - 1) Will prevent or eliminate the identified threat to human health and the environment;
 - 2) Are technically feasible and can be implemented without creating additional threats to human health and the environment; and
 - 3) Are not inconsistent with the Act and applicable regulations.
- f) IN THE EVENT THAT THE AGENCY HAS DETERMINED IN WRITING THAT THE BACKGROUND LEVEL FOR A REGULATED SUBSTANCE or pesticide POSES AN ACUTE THREAT TO HUMAN HEALTH OR THE ENVIRONMENT AT THE SITE WHEN CONSIDERING THE POST-REMEDIAL ACTION LAND USE, THE DEFENDANT SHALL DEVELOP APPROPRIATE RISK-BASED REMEDIATION OBJECTIVES IN ACCORDANCE WITH subsections (a), (b) and/or (c) above.
- g) The Remediation Objectives Report shall contain the affirmation of a Licensed Professional Engineer(s) in accordance with 2.d. of this Attachment.

6. Remedial Action Plan

The plan shall describe the proposed remedy and evaluate its ability and effectiveness to achieve the remediation objectives approved for the remediation site, including but not limited to:

- a) Executive summary. This chapter shall identify the objectives of the Remedial Action Plan and the technical approach utilized to meet such objectives. At a minimum, this chapter shall include the following elements:
 - 1) The major components (e.g., treatment, containment, removal actions) of the Remedial Action Plan;
 - 2) The scope of the problems to be addressed by the proposed remedial action(s) including the specific COCs and the physical area to be addressed by the Remedial Action Plan; and
 - 3) Schedule of activities with estimated dates of completion through the recording of any institutional controls.
- b) Statement of remediation objectives or reference to Remediation Objectives Report;
- c) Remedial technologies selected. This chapter shall describe how each major remedial technology identified in the Remedial Action Plan fits into the overall strategy for addressing the recognized environmental conditions at the remediation site, including but not limited to:
 - 1) Feasibility of implementation;
 - 2) Whether the technologies will perform satisfactorily and reliably until the remediation objectives are achieved;
 - 3) Whether remediation objectives will be achieved within a reasonable period of time;
- d) Confirmation sampling plan. This chapter shall describe how the effectiveness of the remedial action will be measured. At a minimum, a site-specific sampling plan and quality assurance project plan must be prepared in accordance with the provisions set forth in the Site Investigation requirements in item 1 of this Attachment;
- e) Current and post-remediation use of the property;
- f) Applicable engineered barriers, institutional controls, and groundwater monitoring. This chapter shall describe any such controls selected or relied upon

in determining or achieving remediation objectives, including long-term reliability, operating and maintenance plans, and monitoring procedures;

- g) Appendices. References and other informational sources should be incorporated into the appendices; and
- h) Licensed Professional Engineer affirmation in accordance with item 2.d. of this Attachment.

7. Remedial Action Completion Report

- a) Except as provided in subsection (b) below, upon completion of the Remedial Action Plan, the Defendant shall prepare a Remedial Action Completion Report. The report shall demonstrate whether the remedial action was completed in accordance with the approved Remedial Action Plan and whether the remediation objectives, as well as any other requirements of the plan, have been attained. The report shall include, but not be limited to:
 - 1) Executive summary. This chapter shall identify the overall objectives of the remedial action and the technical approach utilized to meet those objectives, including:
 - A) A brief description of the remediation site, including the recognized environmental conditions, the COCs, the contaminated media, and the extent of contamination;
 - B) The major components of the Remedial Action Completion Report;
 - C) The scope of the problems corrected or mitigated by the proposed remedial action(s); and
 - D) The anticipated post-remediation uses of the remediation site and areas immediately adjacent to the remediation site;
 - 2) Field activities. This chapter shall provide a narrative description of the:
 - A) Field activities conducted during the investigation;
 - B) Remedial actions implemented at the remediation site and the performance of each remedial technology utilized
 - 3) Special conditions. This chapter shall provide a description of any:

- A) Engineered barriers utilized in accordance with 35 Ill. Adm. Code 742 to achieve the approved remediation objectives as established in this Stipulation;
 - B) Institutional controls accompanying engineered barriers or industrial/commercial property uses in accordance 35 Ill. Adm. Code 742, including a legible copy of any such controls, as appropriate;
 - C) Post-remedial monitoring, including:
 - i) Conditions to be monitored;
 - ii) Purpose;
 - iii) Locations;
 - iv) Frequency; and
 - v) Contingencies in the event of an exceedence; and
 - D) Other conditions, if any, necessary for protection of human health and the environment that are related to this Stipulation
- 4) Results. This chapter shall analyze the effectiveness of the remedial actions by comparing the results of the confirmation sampling with the remediation objectives prescribed in the Illinois EPA-approved Remedial Action Plan. The data shall state the remediation objectives or reference the Remediation Objectives Report and be presented in an appropriate format (e.g., tabular and graphical displays) such that all information is organized and presented logically and that relationships between the different investigations for each medium are apparent;
- 5) Conclusion. This chapter shall identify the success of the remedial action in meeting objectives. This chapter shall assess the accuracy and completeness of the data in the report and, if applicable, future work;
- 6) Appendices. References, data sources, and a completed environmental notice form as provided by the Illinois EPA shall be incorporated into the appendices. Field logs, well logs and reports of laboratory analyses shall be organized and presented logically with reports of laboratory analyses of samples collected on or after January 1, 2003, including the following:
- A) Accreditation status of the laboratory performing the quantitative analyses;

- B) Certification by an authorized agent of the laboratory that all analyses have been performed in accordance with the requirements of 35 Ill. Adm. Code 186 and the scope of the accreditation; and
- 7) Licensed Professional Engineer affirmation in accordance with item 2(d) of this Attachment.
- b) If the approved remediation objectives for the regulated substances of concern established under this Stipulation are equal to or above the levels existing at the site prior to any remedial action, notification and documentation of such, including a description of any engineered barriers, institutional controls, and post-remedial monitoring, shall constitute the entire Remedial Action Completion Report for purposes of this Stipulation.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF)	
ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB NO. 09-60
)	(Enforcement)
CROP PRODUCTION SERVICES,)	
)	
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) (2002), 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) (2002). In support of this motion, Complainant states as follows:

1. Complainant and Respondent had previously filed in June 1995 a Stipulation and Proposal for Settlement, but subsequently requested that the Board defer consideration of that settlement pleading.
2. The parties have recently reached an agreement on all outstanding issues in this matter.
3. This agreement is presented to the Board in a Stipulation and Proposal for Settlement, filed contemporaneously with this motion, which supercedes the June 1995 settlement pleading.
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) (2002).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby request 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) (2002).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
LISA MADIGAN
ATTORNEY GENERAL

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

BY: s/Jane E. McBride

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Dated: April 5, 2016