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STATE OF ILLINOIS)
) SS.
COUNTY OF C O O K)

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BEFORE THE POLLUTION CONTROL BOARD
POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)
and VILLAGE OF BURNHAM,)
)
Complainants,)

v.)

PCB 76-184

WASTE MANAGEMENT, INC., a)
Delaware corporation, WASTE)
MANAGEMENT OF ILLINOIS, INC.,)
a Delaware corporation and)
CHEMICAL WASTE MANAGEMENT, INC.,)
a Delaware corporation,)
)
Respondents.)

STIPULATION AND PROPOSAL FOR SETTLEMENT

NOW COME Complainant, the PEOPLE OF THE STATE OF ILLINOIS,
by WILLIAM J. SCOTT, Attorney General of the State of Illinois, and
Respondents, WASTE MANAGEMENT, INC., WASTE MANAGEMENT OF ILLINOIS,
INC., and CHEMICAL WASTE MANAGEMENT, by their attorneys, Pedersen &
Haupt, and hereby stipulate for purposes of settlement only, pursuant
to Rule 331 of the Procedural Rules of the Pollution Control Board,
that the following statement forms the basis of an agreement between
the parties relating to the above-entitled enforcement proceeding:

I.

STIPULATION OF FACTS

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A.

BACKGROUND FACTS

1. Respondent, WASTE MANAGEMENT, INC. (hereinafter "Waste, Inc.") is and at all times pertinent hereto has been a corporation organized and existing under the laws of the State of Delaware.

2. Respondent, WASTE MANAGEMENT OF ILLINOIS, INC. (hereinafter "Waste Illinois") is and at all times pertinent hereto has been a corporation organized and existing under the laws of the State of Delaware. Waste Illinois is a wholly-owned subsidiary of Waste, Inc.

3. Respondent Chemical Waste Management, Inc. was, until December 31, 1976, a Delaware corporation. On December 31, 1976 Chemical Waste Management was merged into Waste Illinois and since that time has functioned as a division of that corporation.

4. During all times pertinent to this action, Waste Illinois has owned and operated a solid waste disposal site known as C.I.D. Landfill, located at or near 138th Street and the Calumet Expressway, County of Cook, Illinois, legally described on attached Exhibit A, (hereinafter referred to as "CID Landfill" or the "site"). The site is operated for the receipt and disposal of solid and liquid wastes.

5. The site is operated twenty-four hours per day, six days per week, fifty-two weeks per year.

6. The site is bounded on the south and east by the Little

Calumet River. Across the Little Calumet River to the southeast of the site is a residential area of the Village of Burnham. Across the Little Calumet River to the south of the site is a residential area of Calumet City, and to the southwest of the site is a residential area of the Village of Dolton. The area to the north and west of the site consists primarily of industrial and commercial establishments. Some commercial and industrial establishments are also located to the south of the site.

7. On June 23, 1976 Complainant People of the State of Illinois filed a Complaint against Waste, Inc. The Complaint alleged that Waste, Inc. owned the site, and that on each day from April 1, 1975 to the date of filing of the Complaint, Waste, Inc. caused air pollution in that it operated the site in such a manner as to permit the discharge of contaminants, as odors, of sufficient quantity and of such characteristics and duration as to unreasonably interfere with the enjoyment of life and property of residents in the area, and therefore in violation of Section 9(a) of the Environmental Protection Act, Ill. Rev. Stat., ch. 111-1/2, par. 1009(a) (hereinafter the "Act").

8. On June 30, 1976 Complainant People filed a Motion to File Amended Complaint. Said Motion was granted and an Amended Complaint was filed on July 8, 1976. The Amended Complaint alleged that on each day from April 1, 1975 until the date of filing of the Amended Complaint, Waste, Inc. owned and operated the site in such a manner as to permit the discharge of contaminants, as odors, from the site, in sufficient quantity and of such characteristics and duration as to

unreasonably interfere with the enjoyment of life and property of residents in the area, and therefore in violation of Section 9(a) of the Act.

9. On July 16, 1976 Complainant People filed a Motion to File Second Amended Complaint. Said Motion was granted and the Second Amended Complaint was filed on July 22, 1976. Count I of the Second Amended Complaint alleged that on each day from April 1, 1975 until the date of filing of the Second Amended Complaint, Waste, Inc. owned and operated the site in such a manner as to permit the discharge of contaminants, as odor, from the site, in sufficient quantity and of such characteristics and duration as to unreasonably interfere with the enjoyment of life and property of residents in the area, and therefore in violation of Section 9(a) of the Act and of Rule 102 of the Pollution Control Board Rules and Regulations, Chapter 2: Air Pollution (hereinafter the "Air Rules"). Count II of the Second Amended Complaint alleged that since April 1, 1975, and continuing each day of operation to the date of filing of the Second Amended Complaint, Waste, Inc. owned and operated the site in accordance with a plan which, when completed, will cause the site to have an elevation between 620 and 660 feet above sea level; that said height will render the site useless for any productive purposes and constitutes scenic blight, contrary to the policy announced in Section 20 of the Act; and that the excessive accumulation of refuse so as to create scenic blight is in violation of Section 21(a) of the Act, Ill. Rev. Stat., ch. 111-1/2, par. 1021(a).

10. On September 3, 1976 Complainant People filed a Motion for Leave to File Third Amended Complaint. Said Motion was granted and the Third Amended Complaint was filed on September 30, 1976. The Third Amended Complaint was brought by Complainant People and Complainant Village of Burnham against Waste, Inc., Waste Illinois, and Chemical Waste Management, Inc. Count I alleged that Waste Illinois owned the site, and that from April 1, 1975 until the date of filing of the Third Amended Complaint, Waste, Inc. and Waste Illinois operated the site in such a manner as to permit the discharge of contaminants, as odors, from the site, in sufficient quantity and of such characteristics and duration as to unreasonably interfere with the enjoyment of life and property of residents in the area, and therefore in violation of Section 9(a) of the Act and Rule 102 of the Air Rules. Count II alleged that since April 1, 1975, and continuing each day of operation to the date of filing of the Third Amended Complaint, Respondents operated the site in accordance with a plan which, when completed, will cause the site to have an elevation between 620 and 660 feet above sea level; that said height will render the site useless for any productive purposes and constitutes scenic blight, contrary to the policy announced in Section 20 of the Act; and that the excessive accumulation of refuse so as to create scenic blight is in violation of Section 21(a) of the Act, Ill. Rev. Stat., ch. 111-1/2, par. 1021(a). Count III alleged that beginning on April 1, 1975 and continuing on each day until the filing of the Third Amended Complaint, Respondents have accepted and disposed of certain highly odoriferous chemical wastes at the site in such a manner as to cause or allow the discharge of odors

from the site, in sufficient quantities and of such characteristics and duration as to unreasonably interfere with the enjoyment of life and property of residents in the area, in violation of Section 9(a) of the Act, Ill. Rev. Stat., ch. 111-1/2, par. 1009(a)

11. On May 6, 1977 Complainant People filed a Motion for Leave to File Fourth Amended Complaint. Said Motion was granted and the Fourth Amended Complaint was filed on May 12, 1977. The Fourth Amended Complaint was brought by Complainant People and Complainant Village of Burnham against Waste, Inc., Waste Illinois, and Chemical Waste Management, Inc. Count I alleged that Waste Illinois owned the site, and that from April 1, 1975 until the date of filing of the Fourth Amended Complaint, Waste, Inc. and Waste Illinois operated the site in such a manner as to permit the discharge of contaminants, as odors, from the site, in sufficient quantity and of such characteristics and duration as to unreasonably interfere with the enjoyment of life and property of residents in the area, and therefore in violation of Section 9(a) of the Act and Rule 102 of the Air Rules. Count II alleged that since April 1, 1975, and continuing each day of operation to the date of filing of the Fourth Amended Complaint, Respondents operated the site in accordance with a plan which, when completed, will cause the site to have an elevation between 620 and 660 feet above sea level; that said height will render the site useless for any productive purposes and constitutes scenic blight, contrary to the policy announced in Section 20 of the Act; and that the excessive accumulation of refuse so as to create scenic blight is in violation of Section 21(a) of the Act, Ill. Rev. Stat., ch. 111-1/2, par. 1021(a). Count III alleged that beginning

on April 1, 1975 and continuing on each day until the filing of the Fourth Amended Complaint, Respondents have accepted and disposed of certain highly odoriferous chemical wastes at the site in such a manner as to cause or allow the discharge of odors from the site, in sufficient quantities and of such characteristics and duration as to unreasonably interfere with the enjoyment of life and property of residents in the area, in violation of Section 9(a) of the Act, Ill. Rev. Stat., ch. 111-1/2, par. 1009(a). Count IV alleged that on or about December 25, 1976, and continuing each day until the filing of the Fourth Amended Complaint, Respondents failed to collect litter from the site at the end of the working day and deposit it in the fill and compact and cover it, or store it in a covered container, in violation of Rule 306 of the Pollution Control Board Rules and Regulations, Chapter 7, Solid Waste (hereinafter the "Waste Rules").

12. This Stipulation and Proposal for Settlement comes to the Board addressing the issues raised by the Fourth Amended Complaint.

B.

FACTS RELATED TO THE LITIGATION

13. At all times pertinent to this action, Waste Illinois has owned and operated CID Landfill. Waste, Inc. has neither owned nor operated the site.

14. Waste Illinois accepts and disposes of liquid, solid, and semi-solid wastes at the facility. Solid and semi-solid wastes are disposed of in the operating face of CID Landfill. Liquid wastes

are disposed of either by injection into several injection stations located away from the operating face of the landfill or by application to solid and semi-solid wastes disposed of in the working face. The method of disposal of the liquid wastes depends upon the characteristics of each individual waste.

15. The Attorney General's Office and the Illinois Environmental Protection Agency have received a number of complaints of odors being emitted from CID Landfill since April 1, 1975.

16. Complainant represents that, were a hearing to be held in this action, Complainant would present testimony of at least twenty persons residing in the vicinity of the site, in Dolton, Burnham, and/or Calumet City, who would testify in substance as follows:

That on numerous occasions since April 1, 1975, they have observed odors of an objectionable nature emanating from CID Landfill; that the odors have on occasion caused headaches and a feeling of nausea; that the odors occasionally compel residents, during warm weather, to curtail outdoor activities, to forego the use of their property, and to go indoors and close the windows to avoid the objectionable odors.

17. Complainant represents that, if a hearing were held herein, it would present the testimony of several employees of the Illinois Environmental Protection Agency who would testify, in substance, that on at least two occasions they have detected odors in residential areas near CID Landfill and have traced those odors

to CID Landfill.

18. Complainant contends that the foregoing facts establish that CID Landfill has, on numerous occasions since April 1, 1975, emitted odors which have unreasonably interfered with the health of and enjoyment of property by citizens residing near the site, in violation of Section 9(a) of the Act, Ill. Rev. Stat., ch. 111-1/2, par. 1009(a). Waste Illinois does not admit said violations. However, as a basis for settlement only, Waste Illinois offers no evidence to refute Complainant's contention.

19. Waste Illinois does not admit that it is the cause or source of the odors complained of by area residents. However, the parties agree that there are several potential sources of odor emissions at CID Landfill:

- a. Liquid and semi-solid material while on trucks or while being unloaded;
- b. Migration of landfill gas through the clay cover over the landfill;
- c. Escape of landfill gas through extinguished flares.

20. The parties agree that the odor detection and abatement program set forth in the Compliance Program below, can be expected to minimize or prevent odors from escaping from CID Landfill.

21. Complainant represents that if a hearing were held in this matter, Complainant would present the testimony of at least one citizen and the Chief of Police of Burnham who would testify that on several occasions in December 1976 and January 1977 they

observed litter blowing from CID Landfill into neighboring communities, and that said litter was not collected for a period of several days on each occasion.

22. Complainant contends that the above facts establish that Waste Illinois has violated Rule 306 of the Waste Rules. Waste Illinois does not admit said violations, but as a basis for settlement offers no evidence in rebuttal.

II.

TERMS OF SETTLEMENT

As a result of several discussions, the parties hereto stipulate and agree that the interests of the public and of the parties hereto will best be served by the resolution of this enforcement proceeding without further litigation under the terms and conditions provided herein. In accordance with the procedures for settlement prescribed by Rule 331 of the Illinois Pollution Control Board Procedural Rules, the parties offer this Stipulation of Facts and Proposal for Settlement in lieu of a full hearing.

The parties hereby stipulate and agree that a settlement of the above-entitled enforcement proceeding shall be as set forth below. This proposed settlement is expressly conditioned upon, and effective only with approval thereof in all respects of the Illinois Pollution Control Board. The parties further stipulate that all statements contained herein, including but not limited to all statements of fact, shall be null, void and of no effect and shall not be used for any purpose, including any further litigation in the event

that the Board fails to approve the following terms of settlement in all respects.

A.

COMPLIANCE PROGRAM

23. Waste Illinois agrees to install and maintain the following odor prevention program at the site within thirty (30) days from the entry of a Board Order approving this Stipulation and Proposal for Settlement:

- a. To aid in detecting potential odors before they are distinguishable olfactorily, a combustible gas detector such as that manufactured by Mine Safety Appliances Co. will be purchased and used as hereinafter provided.
- b. Four stations, identified by number on the attached Exhibit B, as well as all injection stations at the site, will be monitored daily for odors by the field superintendant. Monitoring shall be by visual and olfactory observation, and the combustible gas detector referred to in paragraph "a" above shall be operated at each inspection point daily.
- c. Waste Illinois shall maintain a complete and accurate record of each inspection on a form substantially the same as Exhibit C, attached hereto.
- d. In the event odors are observed by the field superintendant which are of such intensity as to be potentially detectable

at the boundaries of the site, the following actions will be taken:

- (1). The source will be identified;
- (2). If the source is liquid or semi-solid material on trucks or in the process of being unloaded from trucks, Waste Illinois will cease accepting that waste for disposal after completion of unloading the truck or trucks that were in the process of being unloaded when the odor was discovered, and the odoriferous waste that has been deposited will be neutralized and covered with compacted clay immediately;
- (3). If the source of the odors is the migration of gas through the clay cover of the landfill, sufficient flaring points will be added to eliminate the release of gas into the atmosphere, and such flares shall be maintained in continuous service at all times when sufficient gases are available;
- (4). If the odor source is the escape of gas through the covers of the injection stations, approximately 5,000 gallons of water and, if required, an oxidant or other appropriate neutralizing agents, will be placed in each offending station to

seal off gas escape, and the cover of the station shall be repaired and/or the charcoal in the filter shall be replaced, dependent upon the reason for the escape of gas;

(5). If the odor source is the escape of gas through the burners for flaring, all extinguished flares shall be relit.

e. A record of all oral and written odor complaints received by CID Landfill shall be maintained by Waste Illinois. The record shall include the name and address given by the complainant, the date and time the complaint was received, a description of the action taken and a description of the results thereof.

f. Recording type wind direction and velocity meters have been installed and will be maintained in operation. The records from these devices shall be stored by Waste Illinois for a minimum of three years.

g. In order to prevent odor incident from the disposal of liquid or semi-solid wastes, Waste Illinois will implement the following program to determine, in advance of disposal, whether wastes proposed for disposal are potential sources of odor:

(1). Prior to disposal of any new liquid or semi-solid waste at CID Landfill, a representative

sample of such waste will be required to be submitted by the generator.

(2). Each generator of wastes disposed of at CID Landfill will be furnished with a list of chemicals known to have odorous characteristics. This list will include the chemical compounds listed in "Part I, Research, Odor Thresholds for 53 Commercial Chemicals", published by the Manufacturing Chemists Association, October, 1968.

This list will be updated periodically to include any other compounds found to have odorous characteristics. Each generator and/or hauler proposing to dispose of wastes at CID Landfill will be required to identify any listed materials and the concentration thereof, contained in its wastes;

(3). A study of all nomenclature provided or assigned to presently permitted waste streams will be made to reveal whether any waste presently received by CID Landfill is on the list of odorous chemicals;

(4). All existing waste streams found to contain chemicals included on the list of odorous chemicals, and all new wastes proposed for disposal at CID Landfill will be subjected to the following protocol:

(a). The waste sample provided by the generator will be opened and subjectively tested for odor in accordance with accepted laboratory technique. If the observer does not detect an offensive odor when his nose is within one inch of the open container, the waste stream will not be rejected because of odor.

(b). If an odor which is or may become offensive is detected, a room temperature (72°F) sample of the waste will be poured into a laboratory tray lined with absorptive material selected to promote evaporation. The details of this procedure including sample size, tray dimensions, and type of absorptive material will be selected through experimentation. An experienced observer will be positioned no more than 15 meters from the exposed sample setup in an enclosed room. If the observer detects an offensive odor from that sample, the same test protocol shall be performed with a qualified chemist experienced in odor testing and detection as observer. If said chemist detects an offensive odor, the name and/or description

of that substance shall be placed on the odorous substances list. If in the opinion and judgment of the qualified chemist, taking into account all factors relevant to odor emissions including but not limited to the proposed disposal method and quantity of waste, the odor is of such intensity as to be potentially detectable at the boundaries of the site, the waste stream will be rejected, and no Illinois Environmental Protection Agency supplemental permit to accept that waste will be requested. If in the opinion and judgment of the qualified chemist, taking into account all factors relevant to odor emissions including but not limited to the proposed disposal method and quantity of waste, the odor is not of such intensity as to be potentially detectable at the boundaries of the site, the waste will be considered acceptable as to odor and, if the waste is acceptable in other respects, an Illinois Environmental Protection Agency supplemental permit will be requested. The results of each test will be recorded on an analysis form and preserved for a minimum of three years.

(c). The foregoing protocol specified in

paragraph 23(g)(4) shall not be applicable to hazardous waste disposed of by the direct unopened burial of such waste in containers, if at some future date, Waste Illinois is permitted by the EPA to so dispose of such waste at CID Landfill; provided further that Waste Illinois shall provide a copy of all supplemental permit applications for hazardous waste to Howard O. Chinn of the Attorney General's Office, in order that objections to such permits may be filed, if in his opinion the disposal of such waste by said method may cause a violation of the Act or substantive rules of the Pollution Control Board.

h. Each container arriving for disposal at CID Landfill, except those to be disposed of by direct unopened burial of the container, will be opened and monitored for offensive odors that might be strong enough to diffuse beyond the boundaries of the site at a detectable level, considering all factors relevant to odor emissions including but not limited to the disposal technique planned and the quantity of the waste. If such an odor is discovered, the container will either be rejected and the waste stream declared unacceptable for future disposal, or the procedures outlined in g(4) above will be followed with reference to that waste.

i. When a waste is presented for disposal which contains substances on the list of potentially odorous

substances, a qualified chemist or chemical technician will accompany each driver on that driver's first trip to the disposal area to instruct that driver in proper disposal technique and to check for odor emissions during deposit of the waste.

j. Each driver of a truck delivering chemical waste will be given written instructions describing proper use of the disposal system appropriate to the waste he is delivering. These instructions will be given to each driver, on each trip.

k. If any spills of liquid or semi-solid wastes which contain substances on the list of potentially odorous substances occur, cover will be applied to the area of the spill as soon as possible. A spotter will be stationed near the injection stations during unloading of liquid or semi-solid wastes.

l. A complete list of all waste streams rejected because of odor will be maintained and preserved for a minimum of three years.

m. Charcoal filters in the injection station covers will be changed at least monthly, and more frequently if odors are detected from the injection stations at any time, whether during unloading of wastes or otherwise. Tests will be conducted to determine the optimum time for change of the charcoal and the optimum amount of charcoal to be used in the filters. Written test procedures

and results shall be supplied to the Attorney General's Office.

n. Waste Illinois has entered into a contract with Reserve Synthetic Fuels, Inc. to proceed with a landfill gas recovery and processing facility, to be installed at CID. This facility is expected to minimize odors that may be associated with landfill gas emissions. Landfill gases will be collected by a system of network piping, and the gases so collected will then be processed to remove the impurities such as water, carbon dioxide, and heavier hydrocarbons from the methane gas. It is proposed that the remaining methane then be piped to a utility company pipeline for use as a fuel. At least three days prior to the start-up of the facility, Waste Illinois shall notify the Attorney General's Office of the date and time of start-up. Waste Illinois and/or Reserve Synthetic Fuels, Inc. shall apply for and obtain all necessary permits from the Illinois Environmental Protection Agency. Within three (3) days of submittal of permit applications to any State regulatory agency Waste Illinois shall provide a copy of each application to the Attorney General's Office, and shall provide a copy of each and every permit issued or denial of a permit to the Attorney General's Office.

o. Four flares have been installed and will be maintained on top of the completed portion of the landfill to burn off the combustible gases and odors generated by the waste deposited at the site. Waste Illinois shall install additional collection pipes or flares as required if odorous landfill gases are detected at the property line of the site at any time. Waste Illinois may discontinue the use of all flares after the gas recovery project is in full operation and continuous service, if no odorous landfill gases are detectable at the property line of the site. While the flares are in operation, Waste Illinois shall take all necessary action to ensure that landfill gases in such concentrations as may be detectable at the property line of the site are not emitted therefrom.

24. In order to restrict the height of CID Landfill, Waste Illinois agrees that no more decomposable waste will be placed on the part of the site which is located within the Village of Burnham, even though additional height has been permitted in that area by the Illinois Environmental Protection Agency. No non-decomposable waste shall be placed on the portion of the site located within the Village of Burnham unless such additional placement of waste is necessary to maintain existing grade and contour. Waste Illinois agrees to give written notice (including a topographic survey) to the Village of Burnham and the Attorney General's Office, of the proposed deposition of non-decomposable waste in Burnham at least 60 days before such waste is deposited. Nothing herein shall prevent the State of Illinois or the Village of Burnham from taking legal action to prevent the deposition of the waste, and

nothing herein shall constitute any waiver of applicable permit requirements. Further, based on a recent topographic survey, the landfill height at the present apex is at the elevation set forth in the plans accompanying the landfill permit. Waste Illinois agrees that the final grade, shall not be higher than the present high point in any part of the CID Landfill.

25. To further protect against litter blowing off the site, six additional wind-screens have been purchased in anticipation of this stipulation in addition to the four existing screens, and currently are and will be positioned downwind of the active landfill face. In addition, a low area will be maintained for use as the landfill face during periods of high winds.

26. In order to beautify the site, the completed slopes along the banks of the Little Calumet River have been in part and will be graded, covered, and seeded with grass and ground cover by June 1, 1979. Shrubs and trees will be planted to beautify the view of the site from the east. Planting of shrubs and trees will proceed as expeditiously as possible within the limitations imposed by the planting seasons, and will be completed by June 1, 1978.

B.

MISCELLANEOUS PROVISIONS

27. All records and documents required to be maintained and preserved by Waste Illinois shall be available for inspection and copying by authorized representatives of the Attorney General's Office and of the Illinois Environmental Protection Agency during normal business hours. Waste Illinois shall allow authorized

representatives of the Attorney General's Office to inspect the site, including the laboratories, at all reasonable times during normal business hours, for purposes of determining compliance with the terms and provisions of this agreement.

28. All information, reports, and documentation required to be submitted to the Attorney General's Office by this settlement shall be mailed or delivered to:

Howard O. Chinn, P.E., Chief Engineer
Attorney General's Office
Environmental Control Division
188 West Randolph Street, Suite 2315
Chicago, Illinois 60601

29. Waste, Inc. and Chemical Waste shall be dismissed as Respondents upon approval of this Stipulation and Proposal for Settlement by the Pollution Control Board.

30. The initial cost of the Compliance Program including revenue lost from the restrictions to which Waste Illinois has voluntarily submitted, is estimated to be in excess of \$1,000,000.00. Additional cost is involved in operating the Compliance Program on a day-to-day basis, and that cost is estimated to be in excess of \$100,000.00 per year.

31. Waste Illinois shall pay the sum of \$1,500.00 to the State of Illinois, within thirty-five (35) days of the entry of any Board Order approving this Stipulation and Proposal for Settlement.

32. This Stipulation and Proposal for Settlement is submitted to the Board for approval under Rule 331 of the Pollution Control Board Procedural Rules as one integral package. All admissions and

statements, whether oral or written, made herein are null and void and of no force and meaning and are not admissible before any judicial or administrative body within the State of Illinois or otherwise, in any proceeding other than this proceeding, and in this proceeding only if the settlement agreed to by the parties is approved in all its aspects by the Board without change or modification of any kind, degree or nature and without rejection of any Stipulation, condition or provision: provided, however, that all admissions and statements made herein are admissible upon proper foundation in any proceeding brought to enforce this Stipulation and Proposal for Settlement or to enforce any Order entered by the Pollution Control Board based hereon.

PEOPLE OF THE STATE OF ILLINOIS

BY: Russell R Egert

WASTE MANAGEMENT, INC.

PEDERSEN & Hout
BY: Kenneth J. Gumbier

WASTE MANAGEMENT OF ILLINOIS, INC.

PEDERSEN & Hout
BY: Kenneth J. Gumbier

VILLAGE OF BURNHAM

BY: Eldred A. Russell
Village President
Richard J. Matys
Attorney for Village of Burnham

LEGAL DESCRIPTION

The West Half of the South West Quarter (except the North 33 feet thereof) and except that part lying Southwesterly of a line described as follows: Beginning at a point on the South line of said South West Quarter, said point being Two-Hundred-Six and Fifty-Nine Hundredths (206.59) feet East of the Southwest corner of said South West Quarter thence Northwesterly along a curve convex to the North East, having a radius of Four-Thousand-Six Hundred-Eighty-Three and Forty-Four Hundredths (4683.44) feet for a distance of One-Thousand-Three-Hundred-Eighteen and Seventy-Eight Hundredths (1318.78) feet to a point on the West line of road of South-West Quarter, said point being One-Thousand Two Hundred-Ninety-Seven and Forty-Eight Hundredths (1297.48) feet North of aforesaid South West Corner of said South-West Quarter of Section Thirty-Six (36) Township Thirty Seven (37) North, Range Fourteen (14), East of the Third Principal Meridian and also excepting that part of the Southwest 1/4 of Section 36 Township 37 North Range 14, East of the Third Principal Meridian in Cook County, Illinois, bounded and described as follows: Commencing at the Southwest corner of said Section 36, thence Northerly along the West line of said Section 36, a distance of 1297.48 feet to a point of beginning; thence continuing Northerly along the aforesaid line, a distance of 102.39 feet to a point; thence Southeasterly along a line forming an interior angle of 28 degrees-17 minutes-31 seconds with the last described course, a distance of 199.00 feet to a point on a curve; thence Southeasterly along a curve having a radius of 1824.95 feet; concave toward the Southwest, a distance of 668.41 feet along the curve to a point of tangency, thence Southeasterly along a line tangent to the last described curve, a distance of 114.28 feet to a point thence Southwesterly along a line forming an interior angle of 89 degrees-22 minutes-zero seconds with the last described course a distance of 137.00 feet to a point on a curve, thence Northwesterly along a curve having a radius of 4683.44 feet, concave toward the West, a distance of 854.50 feet along the curve to the point of beginning.

Also

That part of the North Fractional 1/2 (North of the Little Calumet River) of Section 1, Township 36 North, Range 14, East of the Third Principal Meridian bounded and described as follows: Commencing at a point marking the Northwest corner of said Section 1, thence along the North line of said Section 1, North $90^{\circ} - 00' - 00''$ East 259.80 feet to the point of beginning; thence continuing North $90^{\circ} - 00' - 00''$ East on the North line of said Section 1, 176.10 feet; thence South $0^{\circ} - 22' - 06''$ West on the East line of the West 435.90 feet of said Section 1, 399.79 feet; thence North $51^{\circ} - 38' - 05''$ West 96.00 feet to a point of curve: thence Northwesterly on a $1^{\circ} - 01' - 41''$ curve, convex to the Southwest, for a distance of 103.14 feet to a point in the East line of the West 259.80 feet of said Section 1; thence North $0^{\circ} - 22' - 06''$ east on the East line of the West 259.80 feet of said Section 1, 304.17 feet to the point of beginning.

Also

Exhibit A

That part of the East 176.10 feet of the West 435.90 feet of said Section 1 lying northerly of the Northerly United States Channel Line of the Little Calumet River and lying South of the South line of a tract of land (relocated Michigan Central Railroad) conveyed and warranted to the United States of America, by Document No. 156103212

Also

That part of the North Fractional 1/2 of said Section 1 (except the West 435.90 feet thereof, said 435.90 feet being measured on the North line of said Section 1) lying North of the Northerly United States Channel line of the Little Calumet River and lying South of a line described as commencing at a point marking the Northwest corner of said Section 1; thence North $90^{\circ} - 00' - 00''$ East on the North Line of said Section 1, 435.90 feet; thence South $0^{\circ} - 22' - 06''$ West on the East line of the West 435.90 feet of said Section 1, 538.61 feet to the point of beginning; thence South $60^{\circ} - 43' - 22''$ East 2937.27 feet to a point in the Northwesterly United States Channel line of the Little Calumet River, last described point being 24.54 feet Northeasterly of (as measured on said Channel line) of the Northeasterly right-of-way line of the Michigan Central Railroad Company, under lease to the New York Central Railroad Company,

Also

That part of the North Fractional 1/2 (North of the Little Calumet River) of Section 1, Township 36 North, Range 14, East of the Third Principal Meridian excepting therefrom the West 435.9 feet thereof measured on the North line of said Section 1, bounded and described as follows: Commencing at the point marking the Northwest corner of said Section 1; thence along the North line of said section North $90^{\circ} - 00' - 00''$ East 435.90 feet to the point of beginning; thence south $0^{\circ} - 22' - 06''$ West on the East line of the West 435.9 feet of said Section 1, 399.79 feet; thence South $61^{\circ} - 38' - 05''$ East 3074.08 feet to a point in the Northwesterly United States Channel Line of the Little Calumet River, last described point being 203.55 feet Northeasterly of (as measured on said Channel Line) of the Northeasterly right-of-way line of the Michigan Central Railroad Company under lease to the New York Central Railroad Company; thence Northeasterly and Northerly along said Northwesterly United States Channel Line to a point in the North line of said Section 1, distant 4480.00 feet East of the Northwest corner thereof; thence West on the North line of said Section 1 4044.10 feet to the point of beginning, in Cook County, Illinois.

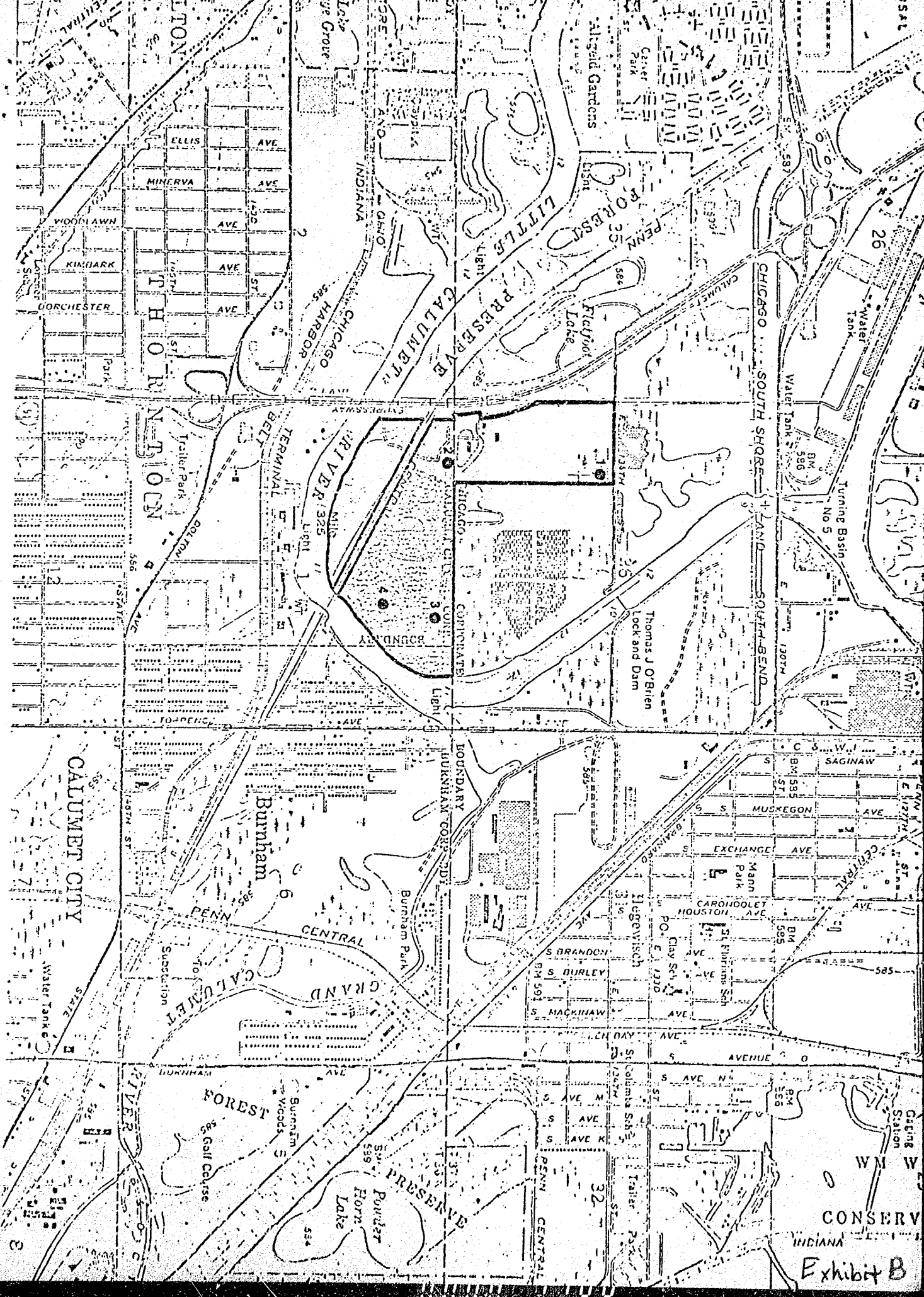


Exhibit A

Exhibit B

C.I.D. LANDFILL

ODOR INSPECTION FORM

C

DATE

TIME

A

P

1

2

3

4

INSPECTION POINT

COMMENTS

OBSERVER

Exhibit

Exhibit B

~~NUMBER~~ BEFORE THE ~~COURT~~
~~OF~~ POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS
and VILLAGE OF BURNHAM,
Complainants,

vs.

WASTE MANAGEMENT, INC., a
Delaware corporation, WASTE
MANAGEMENT OF ILLINOIS, INC.,
a Delaware corporation and
CHEMICAL WASTE MANAGEMENT, INC.,
a Delaware corporation,

Respondents.

STIPULATION AND PROPOSAL
FOR SETTLEMENT

WILLIAM J. SCOTT
ATTORNEY GENERAL
STATE OF ILLINOIS

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