



**RECEIVED**  
CLERK'S OFFICE

OCT 31 2003

STATE OF ILLINOIS  
*Pollution Control Board*

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

October 28, 2003

The Honorable Dorothy Gunn  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph  
Chicago, Illinois 60601

Re: ***People v. RIBA FAIRFIELD, INC., a Delaware corporation***  
**PCB No. 03-14**

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of a NOTICE OF FILING, MOTION FOR RELIEF FROM HEARING REQUIREMENT and STIPULATION AND PROPOSAL FOR SETTLEMENT in regard to the above-captioned matter. Please file the original and return a file-stamped copy of the document to our office in the enclosed self-addressed, stamped envelope.

Thank you for your cooperation and consideration.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Delbert D. Haschemeyer".

Delbert D. Haschemeyer  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

DDH/pp  
Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
MACON COUNTY, ILLINOIS

**RECEIVED**  
CLERK'S OFFICE

OCT 31 2003

STATE OF ILLINOIS  
*Pollution Control Board*

PEOPLE OF THE STATE OF )  
ILLINOIS, )  
 )  
Complainant, )  
 )  
v. )  
 )  
RIBA-FAIRFIELD, INC. )  
a Delaware corporation, )  
 )  
Respondent. )

PCB NO. 03-14  
(Enforcement)

NOTICE OF FILING

To: James E. Peckert  
Kehert, Shafter, Webber  
& Robinson  
101 South Main, Suite 200  
P.O. Box 860  
Decatur, IL 62528-0860


PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, a NOTICE OF FILING, MOTION FOR RELIEF FROM HEARING REQUIREMENT and STIPULATION AND PROPOSAL FOR SETTLEMENT, a copy of which is attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,  
Attorney General of the  
State of Illinois

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

BY:   
DELBERT D. HASCHEMEYER  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: October 28, 2003

## CERTIFICATE OF SERVICE

I hereby certify that I did on October 28, 2003, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING, MOTION FOR RELIEF FROM HEARING REQUIREMENT and STIPULATION AND PROPOSAL FOR SETTLEMENT:


To: James E. Peckert  
Kehert, Shafter, Webber  
& Robinson  
101 South Main, Suite 200  
P.O. Box 860  
Decatur, IL 62528-0860

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To: Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
Suite 11-500  
100 West Randolph  
Chicago, Illinois 60601

A copy was also sent to:

Brad Halloran  
Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
Suite 11-500  
100 West Randolph  
Chicago, IL 60601

  
Delbert D. Haschemeyer  
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
MACON COUNTY, ILLINOIS

**RECEIVED**  
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OCT 31 2003

STATE OF ILLINOIS  
*Pollution Control Board*

PEOPLE OF THE STATE OF )  
ILLINOIS, )  
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Complainant, )  
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v. )  
 )  
RIBA-FAIRFIELD, INC. )  
a Delaware corporation, )  
 )  
Respondent. )

PCB NO. 03-14  
(Enforcement)

**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. On August 12, 2002, Complainant filed a Complaint with the Board, alleging violations by the Respondent of the hazardous waste regulations.
2. The parties have reached 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.
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 requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2002).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS  
LISA MADIGAN  
ATTORNEY GENERAL

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

BY:



DELBERT D. HASCHEMEYER  
Environmental Bureau  
Assistant Attorney General

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: October 28, 2003

OCT 31 2003

STATE OF ILLINOIS  
*Pollution Control Board*

PEOPLE OF THE STATE OF )  
ILLINOIS, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 RIBA-FAIRFIELD, INC. )  
 a Delaware corporation, )  
 )  
 Respondent. )

PCB NO. 03-14  
(RCRA Enforcement)

**STIPULATION AND PROPOSAL FOR SETTLEMENT**

NOW COME the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and the Respondent, RIBA-FAIRFIELD, INC., a Delaware corporation, by Kehart Shafter Webber & Campbell Robinson, its attorneys, and hereby stipulate and agree as follows:

**I. INTRODUCTION**

1. The Complainant, People of the State of Illinois (the "Complainant"), the Illinois Environmental Protection Agency, an agency of the State of Illinois (the "Illinois EPA"), and the Respondent, Riba-Fairfield, Inc., a Delaware corporation (the "Respondent"), agree to the terms hereof and agree to the submission hereof to the Illinois Pollution Control Board (the "Board") for its approval and acceptance.

2. The Complainant initiated an adversarial proceeding before the Board and against the Respondent by the filing of a complaint with the Board. The Respondent filed a timely answer to said complaint.

3. The Complainant later sought and received permission to file an amended complaint (the "Amended Complaint") with the Board, and the Respondent has filed its Answer thereto.

4. The parties hereto have engaged in good faith discussions and negotiations

regarding possible resolution of the matters, issues and disputes between them as described generally in the Amended Complaint and the Respondent's Answer thereto.

5. For purposes of settlement of the matters alleged by the Complainant in the Amended Complaint, the parties have entered into the present Stipulation and Proposal for Settlement (this "Stipulation"). Should the Board reject this Stipulation, or decline to accept and approve the same, this Stipulation shall be deemed null and void for all purposes, and no statement contained herein shall be admissible in the favor of, or against, any party hereto.

6. The parties hereto agree that the statement of facts contained herein represents a fair summary of the evidence and testimony which would be introduced by the parties if a hearing were held. The parties further stipulate that this statement of facts is made and agreed upon for purposes of settlement only and that neither the fact that a party has entered into this Stipulation, nor any of the facts stipulated herein, shall be introduced into evidence in any other proceeding regarding the claims asserted in the Amended Complaint except as otherwise provided herein.

7. If the Board approves and enters an Order consistent with this Stipulation, the Respondent agrees to be bound by such Order and not to contest its validity in any subsequent proceeding to implement or enforce its terms.

## II. JURISDICTION

8. The Board has subject matter jurisdiction of the matters and issues set forth in the Amended Complaint, as well as *in personam* jurisdiction over all parties hereto, all as provided by the Illinois Environmental Protection Act, 415 ILCS 5/1, *et seq.* (2002) (the "Act").

## III. AUTHORIZATION

9. The undersigned representatives for each party 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 each party to a resulting Order consistent with the terms herein.

#### IV. STATEMENT OF FACTS

##### A. The Parties.

10. On August 12, 2002, a Complaint (the "Complaint") was filed against the Respondent on behalf of the People of the State of Illinois by the Attorney General of the State of Illinois, on the Attorney General's motion and upon the request of the Illinois EPA, pursuant to Section 42(d) and (e) of the Act, 415 ILCS 5/42(d) and (e) (2002).

11. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2002).

12. At all times relevant to the Amended Complaint, the Respondent was, and is, a Delaware corporation in good standing, authorized to transact business in the State of Illinois.

##### B. Site Description.

13. At all times relevant to the Amended Complaint, the Respondent owned and operated a facility which manufactures fragrance and food flavoring for the food and perfume industry, located at 3210 Parkway Drive, Decatur, Macon County, Illinois (the "Facility").

##### C. Allegations of Non-Compliance.

14. In the Amended Complaint, the Complainant alleged that the Respondent had violated the following provisions of the Act and the regulations promulgated by the Board under the authority vested in the Board pursuant to the Act (the "Regulations"):

(a) commencing on or before April 27, 2000, and continuing to some date known to the Respondent, the Respondent stored wastes classified within applicable regulations as D001, F003 and F005 hazardous waste without a permit granted by the Illinois EPA in violation of Section 21(p) of the Act, 415 ILCS 5/21(p) (2000), and in violation of Section 703.121(a) and (b) of the Board's Hazardous Waste Regulations, 35 Ill. Adm. Code 703.121(a) and (b);

(b) commencing on or before April 27, 2000, at a time known to the Respondent, and continuing to some date known to the Respondent, the Respondent stored hazardous waste without developing and following a written waste analysis plan in violation of Section 725.113(b) of the Board's



Hazardous Waste Regulations, 35 Ill. Adm. Code 725.113(b);

(c) commencing on or before April 27, 2000, at a time known to the Respondent, and continuing to some date known to the Respondent, the Respondent failed to conduct inspections, weekly or otherwise, so as to: prevent leaking or deterioration, open containers, failed to develop and follow a written schedule for inspecting, failed to remedy a deterioration and failed to record inspections in inspection log or summary in violation of Section 725.115 and Section 725.274 of the Board's Hazardous Waste Regulations, 35 Ill. Adm. Code 725.115 and 725.274;

(d) commencing on or before April 27, 2000, at a time known to the Respondent, and continuing to some date known to the Respondent, the Respondent failed to keep a written operating record at their facility in violation of Section 725.173 of the Board's Hazardous Waste Regulations, 35 Ill. Adm. Code 725.173;

(e) the Respondent did not prepare and submit an annual report to the Illinois EPA by March 1, 2000 in violation of Section 725.125 of the Board's Hazardous Waste Regulations, 35 Ill. Adm. Code 725.125;

(f) commencing on or before April 27, 2000, at a time known to the Respondent, and continuing to some date known to the Respondent, Respondent failed to have a written closure plan in violation of Section 725.212(a) of the Board's Hazardous Waste Regulations, 35 Ill. Adm. Code 725.212(a);

(g) commencing on or before April 27, 2000, at a time known to the Respondent, and continuing to some date known to the Respondent, the Respondent failed to have a detailed written estimate of the cost of closing the facility in violation of Section 725.242(a) of the Board's Hazardous Waste Regulations, 35 Ill. Adm. Code 725.242(a);

(h) commencing on or before April 27, 2000, at a time known to the Respondent, and continuing to some date known to the Respondent, the Respondent failed to establish financial assurance for closure of the facility in violation of Section 725.243 of the Board's Hazardous Waste Regulations, 35 Ill. adm. Code 725.243; and

(i) commencing on August 14, 2001, and continuing to a date known to the Respondent, Respondent failed to complete all closure activities by August 14, 2001 in violation of closure log No. C-828 in violation of Section 703.121(a) and 725.212(b) of the Board's Hazardous Waste Regulations, 35 Ill. Adm. Code 703.121(a) and 725.212(b), and Section 21(f) of the Act, 415 ILCS 5/21(f) (2000).

**D. Admission of Violations.**

15. The Respondent represents that it has entered into this Stipulation and Proposal for Settlement for the purpose of settling and compromising disputed claims without having to incur the expense of contested litigation. By entering into this Stipulation and Proposal for Settlement and complying with its terms, the Respondent does not affirmatively admit the violations alleged within the Complaint, and this Stipulation and Proposal for Settlement shall not be interpreted as including such admission.

**E. Compliance Activities to Date.**

16. Subsequent to the initial inspection by the Illinois EPA and report of alleged violation(s), the Respondent undertook actions to remediate any alleged violations, which action included the following:

(a) the Respondent identified the materials, alleged by the Illinois EPA to constitute waste, and the area where any such materials were stored by the Respondent;

(b) the Respondent reviewed all available information to determine whether any discharge of such materials had occurred that would have affected any area other than the storage area identified by the Respondent; and

(c) on or prior to June 7, 2000, the Respondent caused all such materials to be removed from the Respondent's facilities pursuant to Uniform Hazardous Waste Manifests, which thereafter were submitted to the Illinois EPA as an appendix to the closure plan initially submitted by the Respondent to the Illinois EPA, dated in October of 2000.

**V. APPLICABILITY**

17. This Stipulation, and all duties and obligations imposed hereunder, shall apply to and be binding upon the Complainant and the Respondent, as well as any and all directors, officers, employees, successors and assigns thereof.

18. In any enforcement action, if any, taken pursuant to any Board Order resulting from this Stipulation, the Respondent shall not raise as a defense thereto any failure by the Respondent

(or its directors, officers, employees, successors and assigns) to take actions as may be required under this Stipulation.

#### **VI. COMPLIANCE WITH OTHER LAWS AND REGULATIONS**

19. Neither this Stipulation, any Board Order issued accepting and approving this Stipulation, nor any term or provision of this Stipulation, shall affect, alter, or impact the duties and obligations of the Respondent to comply otherwise with the Act, the Regulations, or other federal, state or local laws applicable thereto.

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

20. Section 33(c) of the Act, 415 ILCS 5/33(c) (2002), provides that:

[i]n 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 involving, 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.

21. In response to these factors (set forth in the immediately preceding paragraph hereof), the parties state the following:

- (a) the activities complained of posed a potential threat to human health and the environment;
- (b) the activities complained of posed a potential threat to human health and the environment, the parties are unaware of any actual injury to human health or the environment;

- (c) there is social and economic benefit to the Facility;
- (d) operation of the Facility was and is suitable for the area in which it is located;
- (e) compliance with the applicable requirements is both technically practical and economically reasonable; and
- (f) the Respondent has subsequently complied with the Act and the Regulations.

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

22. Section 42(h) of the Act, 415 ILCS 5/42(h) (2002), provides that:

[i]n 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 violator in attempting to comply with requirements of the Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the violator because of delay in compliance with requirements;
4. the amount of monetary penalty which will serve to deter further violations by the violator and to otherwise aid in enhancing voluntary compliance with this Act by the violator and other persons similarly subject to the Act; and
5. the number, proximity in time and gravity of previously adjudicated violations of the Act by the violator.

23. In response to these factors (set forth in the immediately preceding paragraph hereof), the parties state as follows:

- (a) the Respondent acknowledges that the time frame alleged in the Amended Complaint is proper for the alleged activities;
- (b) following the presentation of claims to the Respondent by the Illinois EPA, the Respondent was diligent in attempting to remediate the alleged violations of the Act and the Regulations;

(c) the Respondent may have realized an economic benefit from the alleged violations of the Act and the Regulations, although such benefits lack quantification, are likely related to the costs associated with proper storage and disposal of hazardous wastes;

(d) the Complainant has determined that a penalty of Five Thousand Dollars (\$5,000.00) will serve to deter violations of the Act and the Regulations in the future and aid in future compliance with the Act and the Regulations; and

(e) the Respondent offers, and to the Complainant's knowledge, the Respondent has no previously adjudicated violations of the Act or the Regulations.

#### IX. TERMS OF SETTLEMENT

##### A. Penalty Payment.

24. Within thirty (30) days after the Board adopts and issues an Order incorporating the terms of this Stipulation, the Respondent shall pay to the Complainant a penalty in the amount of Five Thousand Dollars (\$5,000.00), which penalty shall be made by a certified check (or bank money order), payable to the Illinois EPA, designated to the Illinois Environmental Protection Trust Fund and submitted to:

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

The name and number of the case and Respondent's Federal Employer Identification Number (FEIN), 37-1276278, shall appear on the check. A copy of the certified check or bank money order and the transmittal letter shall be sent to:

Attorney General's Office  
Environmental Bureau  
Attn: Peggy Poitevint  
500 South Second Street  
Springfield, IL 62706

25. Without prejudice to seek any other remedy as provided for by law, pursuant to

Section 42(g) of the Act, 415 ILCS 5/42(g) (2002), interest shall accrue on any payment not paid within the time period prescribed above at the maximum rate allowable under Section 1003(a) of the Illinois Income Tax Act, 35 ILCS 5/1003(a) (2002). Interest on any unpaid payment shall begin to accrue until the date payment is received. When partial payment(s) are made, such partial payment shall be first applied to any interest on unpaid payment then due and owing. All interest on payment owed shall be paid by certified check or money order, payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund and delivered to the address and in the manner described above.

26. For purposes of payment and collection, the Respondent may be reached at the following address:

Riba-Fairfield, Inc.  
c/o James E. Peckert, Esquire  
Kehart, Robinson & Booth  
132 South Water Street, Suite 200  
Post Office Box 860  
Decatur, IL 62525-0860

27. In the event of default by either party hereto, the other party shall be entitled to all available relief as provided for by law, including, but not limited to, costs of collection and reasonable attorney's fees necessarily incurred.

**B. Future Use.**

28. Notwithstanding any other language in this Stipulation to the contrary, this Stipulation and resulting Board Order may be used in any subsequent enforcement action or permit consideration as evidence of past adjudicated violation(s) of the Act and the Regulations, for purposes of Section 39(i) and 42(h) of the Act, 415 ILCS 5/39(i) and 5/42(h) (2002).

**C. Correspondence, Reports and Other Documents**

29. Any and all correspondence, reports and any other documents required under this Stipulation, except for payment(s) pursuant to para. 24 hereof, shall be submitted as follows:

As to the Complainant

Kyle Davis  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

cc: Rich Gerard, Manager  
Champaign FOS  
2125 South First Street  
Champaign, IL 61820

As to the Respondent

Riba-Fairfield, Inc.  
c/o James E. Peckert, Esquire  
Kehart, Robinson & Booth  
132 South Main Street , Suite 200  
P.O. Box 860  
Decatur, IL 62525-0860

**D. Right of Entry**

30. In addition to any other authority, for a period of six (6) calendar months, the Illinois EPA, its employees and representatives, and the Office of the Attorney General, its employees and representatives, shall have the right of entry into and upon the Facility which is the subject of any future Board Order entered pursuant to this Stipulation, at all reasonable times for the purposes of carrying out inspections. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Office of the Attorney General, its employees and representatives may take photographs, samples, and collect information, as they deem necessary.

31. Upon the expiration of the six (6) month period described in the immediately preceding paragraph hereof, the Illinois EPA, its employees and representatives, and the Office of the Attorney General, and its employees and representatives shall have the same right to enter upon the Facility for purposes of inspection as they possess pursuant to applicable law.

**E. Cease and Desist.**

32. The Respondent shall cease and desist from all future violations of the Act and the Regulations.

**F. Release of Liability.**

33. In consideration of the Respondent's payment of the Five Thousand Dollars (\$5,000.00) penalty, and covenant to cease and desist from future violations, and upon the completion of all activities required hereunder, and upon the Board's acceptance and approval of the terms of this Stipulation, the Complainant and the Illinois EPA releases, waives and discharges the Respondent, any of its directors, officers, employees, successors or assigns, for any further liability or penalties for violations of the Act and the Regulations that were the subject matter of the Complaint and Amended Complaint. Said release set forth herein does not extend to any matters other than those expressly specified in the Complaint or Amended Complaint. The Complainant and Illinois EPA reserves, and any resulting Board Order is without prejudice to, other matters including but not limited to, the following:

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

Nothing in this Stipulation is intended as a 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 or the Illinois EPA may have against any person, as defined by Section 3.26 of the Act, 415 ILCS 5/3.26 (2002), or entity other than the Respondent, its directors, officers, employees, successors or assigns.



**G. Enforcement of Consent Order.**

34. Upon the entry of the Board's Order approving and accepting this Stipulation, such Order shall be binding and enforceable and shall be enforceable as such through any and all available means.

35. The Respondent agrees that notice of any subsequent proceeding to enforce the (or any) Board Order approving and accepting this Stipulation may be made by mail to the person identified in para. 29 hereof, and the Respondent otherwise waives any requirement of service of process.

36. It is the intent of the Complainant and the Respondent that the provisions of this Stipulation and any Board Order accepting and approving such shall be severable, and should any provision be declared by a court of competent jurisdiction to be inconsistent with state or federal law, and therefore unenforceable, the remaining provisions shall remain in full force and effect.

37. The parties further agree that any headings utilized herein are solely for the convenience of the parties and the Board, and such headings are not intended to, nor shall they be interpreted or construed to, alter, amend, modify, enlarge, increase, diminish or decrease any language of the enumerated paragraphs of this Stipulation.

38. The parties further stipulate and agree that upon execution hereof by all interested signatories, this Stipulation may be submitted to the Board by the Complainant, who may inform the Board that the parties jointly submit this Stipulation for consideration and action by the Board.

39. this Stipulation consists of thirteen (13) pages, inclusive of the following page where signatures appear, and thirty-nine (39) enumerated paragraphs, inclusive of the present.

WHEREFORE, the Complainant and the Respondent, pray that the Illinois Pollution Control Board adopt and approve of this Stipulation and Proposal for Settlement, as written and submitted

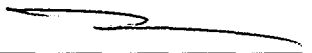
thereto, and that the Board enter an Order consistent with the settlement terms and provisions hereof and including any additional and further relief that the Board deems just and appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,  
LISA MADIGAN,  
Attorney General  
State of Illinois,

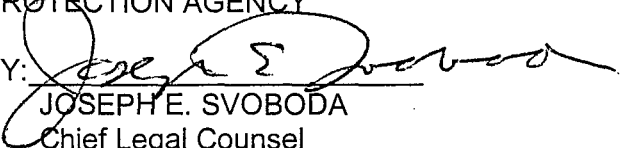
MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

Dated: 10/27/03

BY:   
THOMAS DAVIS, Chief  
Environmental Bureau  
Assistant Attorney General

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

Dated: 10-3-03

BY:   
JOSEPH E. SVOBODA  
Chief Legal Counsel  
Division of Legal Counsel

RIBA-FAIRFIELD, INC.,  
a Delaware corporation

Dated: 10-23-03

BY: 