

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

APR 05 2004

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.)
)
 KEYSTONE CONSOLIDATED INDUSTRIES,)
 INC., a Delaware Corporation, d/b/a KEYSTONE)
 STEEL & WIRE COMPANY,)
)
 Respondent.)

PCB 00-142

(Enforcement)

NOTICE OF FILING

TO: Attached Service List

PLEASE TAKE NOTICE that today we filed with the Illinois Pollution Control Board an Agreed Motion to Dismiss, a copy of which is attached and herewith served upon you.

Respectfully submitted,



Andrew R. Running
KIRKLAND & ELLIS LLP
200 East Randolph Drive
Chicago, Illinois 60601
(312) 861-2000

Attorneys for KEYSTONE
CONSOLIDATED INDUSTRIES, INC.

DATED: April 5, 2004

SERVICE LIST

Dorothy Gunn, Clerk
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Mitchell L. Cohen
Assistant Attorney General
Environmental Bureau
188 West Randolph Street
20th Floor
Chicago, Illinois 60601

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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APR 05 2004

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
 ex rel. LISA MADIGAN, Attorney)
 General of the State of Illinois,)
)
 Complainant,)
)
 vs.)
)
 KEYSTONE CONSOLIDATED INDUSTRIES,)
 INC. d/b/a KEYSTONE STEEL & WIRE)
 COMPANY,)
)
 Respondent.)

PCB No. 00-142
(Enforcement-Water, RCRA)

AGREED MOTION TO DISMISS

Now comes the Complainant, PEOPLE OF THE STATE OF ILLINOIS, ex rel. LISA MADIGAN, Attorney General of the State of Illinois, and Respondent, Keystone Consolidated Industries, Inc.

("Keystone") and pursuant to Section 101.100(b) of the Pollution Control Board's Rules and Regulations, 35 Ill. Adm. Code 101.100(b) and 735 ILCS 5/2-1009, moves this Court to dismiss this action with prejudice. In support of this Motion To Dismiss, the Parties state as follows:

1. On March 2, 2000, Complainant, People of the State of Illinois, filed a Complaint before the Board alleging among other things that Respondent violated the Resource Conservation and Recovery Act ("RCRA").¹

¹ The Complaint has eight counts: 1) Storage of Hazardous Waste Without a RCRA Permit, 2) Failure to Use Required Manifests for Hazardous Wastes, 3) Sending Hazardous Waste to Non-Hazardous Waste Landfills, 4) Failure to Make a Proper Hazardous Waste Determination, 5) Record Keeping Violations, 6) Failure to Submit Complete and Accurate Annual Reports, 7) Water Pollution, and 8) Creation of Water Pollution Hazard.

2. In a separate case involving the same parties, Plaintiff, People of the State of Illinois, filed a Complaint June 16, 2000, in Peoria County alleging Defendant, Keystone, caused or allowed water pollution and violated their National Pollutant Discharge Elimination System ("NPDES") permit.²

3. During the course of litigating the case before this Board and the case in Peoria County, Keystone admitted to the violations, agreed to implement numerous sampling, monitoring, and reporting procedures, and make plant equipment improvements to bring their plant into compliance. Keystone also agreed to maintain and use all the systems and equipment installed and/or implemented to address the violations and cease and desist from future violations of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/1 et seq. (2002).

4. Based on Keystone's activities to address the violations alleged in both Complaints, the Parties negotiated and agreed to a settlement which would encompass both cases.

5. The Parties agreed to enter into one Consent Order that would address all the violations alleged in both cases, include the requirements that Keystone maintain and use all the systems and equipment installed and/or implemented to address the violations and cease and desist from future violations of the Act, and pay a civil penalty of \$75,000.00. Upon entry of the

² People of the State of Illinois v. Keystone Consolidated Industries, Inc.: Peoria County Chancery Division, 00 CH 220.

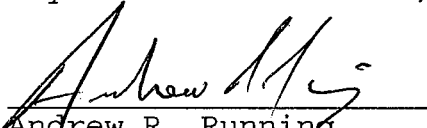
Consent Order in the Peoria County case, the Parties agreed that this case would be dismissed.

6. A copy of the Consent Order entered February 27, 2004, in Peoria County, Case No. 00 CH 220, is attached to this Agreed Motion to Dismiss as Exhibit A.


7. Based on the fact that the Parties entered into a Consent Order which addresses the alleged violations in this case and have an agreement to dismiss this case based on the Consent Order, the Parties hereby move to dismiss this case with prejudice. All parties to bear their own costs.

Respectfully Submitted,

FOR RESPONDENTS
Keystone Consolidated, Inc.


Andrew R. Running
Kirkland And Ellis
200 East Randolph
Chicago, Illinois 60601

FOR COMPLAINANT
People of the State of Illinois


Mitchell L. Cohen
Assistant Attorney General
Environmental Bureau
188 West Randolph, Suite 2001
Chicago, IL 60601

IN THE CIRCUIT COURT FOR THE TENTH JUDICIAL DISTRICT
PEORIA COUNTY, ILLINOIS
CHANCERY DIVISION

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. JAMES E. RYAN, Attorney)
General of the State of Illinois,)

Plaintiff,)

vs.)

KEYSTONE CONSOLIDATED INDUSTRIES,)
INC., a Delaware corporation,)
d/b/a KEYSTONE STEEL & WIRE)
COMPANY,)

Defendant.)

No. 00 CH 220

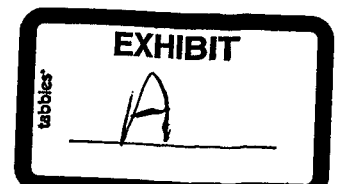
FILED
ROBERT M. SPEARS

FEB 27 2004

CLERK OF THE CIRCUIT COURT
PEORIA COUNTY, ILLINOIS

CONSENT ORDER

Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, ex rel. JAMES E. RYAN, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency, ("Illinois EPA"), and Defendant, KEYSTONE CONSOLIDATED INDUSTRIES, INC., ("Keystone"), a Delaware Corporation, have agreed to the making of this Consent Order and submit it to this court for approval. The parties 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 trial 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 Consent Order, nor any of the facts stipulated herein, shall be introduced into evidence in any other proceeding regarding the claims asserted in the Complaints herein except as



otherwise provided herein. If this Court approves and enters this Consent Order, Defendant agrees to be bound by the Consent Order and not to contest its validity in any subsequent proceeding to implement or enforce its terms.

I.

JURISDICTION

This court has jurisdiction of the subject matter herein and of the parties consenting hereto pursuant to the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/1 et seq. (2000).

II.

AUTHORIZATION

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 Consent Order and to legally bind them to it.

III.

STATEMENT OF FACTS

A. Parties

1. On June 16, 2000, the Complaint in this action was filed on behalf of the People of the State of Illinois by ex rel. James E. Ryan, Attorney General of the State of Illinois, on his own motion and upon the request of the Illinois EPA, pursuant to Sections 42(d) and (e) of the Act, 415 ILCS 5/42(d) and (e) (1998), against the Defendant. On March 2, 2000, the People of

the State of Illinois also filed a Complaint against Keystone before the Illinois Pollution Control Board ("Board") for other violations of the Act and Board regulations as set forth herein.

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. At all times relevant to both Complaints, Keystone is and was a Delaware corporation qualified to conduct business in the State of Illinois.

B. Site Description

1. At all times relevant to both Complaints, Keystone has operated and owned a steel and wire manufacturing plant located in Bartonville, Peoria County, Illinois, with a mailing address of 7000 S.W. Adams Street, Peoria County, Illinois ("Facility").

2. At all times relevant to both Complaints, Keystone has manufactured steel billets, rods, fence, wire, barbed wire and nails at its facility, which consists of a number of buildings.

3. On December 26, 1995, the Illinois EPA reissued a National Pollutant Discharge Elimination System ("NPDES") permit no. IL002526 for waste water discharge for the Facility. On September 15, 1998, the NPDES permit was modified, allowing for discharge to the Illinois River, or if the river level is too high, to a backwater area.

4. The NPDES permit specifically outlines the amount of ammonia and zinc discharges a permit holder is allowed to

discharge.

5. Keystone exceeded the amount of ammonia discharge allowed under the NPDES permit from February 1996 to February 2000. Keystone also exceeded the amount of zinc discharge allowed under the NPDES permit, during October and December 1999.

6. Keystone generates spent pickle liquor, which is a listed hazardous waste, in its steel finishing operations and utilizes sulphuric acid in its operations.

7. On April 21, 1998, Keystone disposed of refractory brick (a/k/a fire brick) which was characteristically hazardous for lead at a county non-hazardous waste landfill.

8. On or about December 7 and continuing to December 8, 1998, Keystone released an estimated 1,500 gallons of spent pickle liquor, which flowed into a sewer grate leading to the Mid Mill Ditch.

9. On January 23, 1999, Keystone released approximately 380 gallons of spent pickle liquor onto the ground.

10. From May 28, 1996 through August 14, 1996, Keystone stored hazardous waste in the form of soils contaminated with sulphuric acid at the site.

11. On December 7, 1998 through February 25, 1999, Keystone stored hazardous waste in the form of soils contaminated with spent pickle liquor.

12. On September 10, 2001, Keystone released approximately ten gallons of spent pickle liquor from a pipe leading from the

pickling tank to the acid recovery building. This liquid waste release impacted an area approximately 100 square feet.

13. On September 25, 2002, Keystone released spent pickle liquor from a tank in the acid recovery building on their site.

C. Allegations of Non-Compliance

Plaintiff contends that the Defendant violated the following provisions of the Act and Board regulations in the Complaint filed before this Court:

Count I: Creation of Water Pollution (Section 12(a) of the Act, 415 ILCS 5/12 (a) and Section 304.124(a) of the Board Regulations, 35 Ill. Adm. Code 304.124 (a)); and

Count II: Violation of NPDES Permit (Section 12(f) of the Act, 415 ILCS 5/12(f) and Section 304.141 (a) of the Board Regulations, 35 Ill. Adm. Code 304.141(a)).

Plaintiff contends that the Defendant violated the following provisions of the Act and Board regulations in the Complaint before the Board:

Count I Storage of Hazardous Waste Without a RCRA Permit (Sections 21(f)(1) and (2) of the Act, 415 ILCS 5/21(f)(1) and (2) (1998), and Sections 703.121(a) and (b) and 703.150(a) and 725.131 of the Board Regulations, 35 Ill. Adm. Code 703.121(a) and (b), 703.150(a) and 725.131);

Count II: Failure to Use Required Manifests for Hazardous Wastes (Sections 21(e) and 21(f)(2) of the Act, 415 ILCS 5/21(e) and 21(f)(2), Sections 722.120(a) and (b), 722.121(a), 722.122 and 722.123(a) and (b) of the Board Regulations, 35 Ill. Adm. Code 722.120(a) and (b),

722.121(a), 722.122 and 722.123(a) and (b));

Count III: Sending Hazardous Waste to Non-Hazardous Waste Landfills (Sections 21(e) and 21(f)(2) of the Act, 415 ILCS 5/21(e) and 5/21(f)(2), Sections 725.131 and 728.107(a)(1) of the Board Regulations, 35 Ill. Adm. Code 725.131 and 728.107(a)(1));

Count IV: Failure to Make a Proper Hazardous Waste Determination (Section 21(i) of the Act, 415 ILCS 5/21(i), and Section 722.111 of the Board Regulations, 35 Ill. Adm. Code 722.111);

Count V: Record Keeping Violations (Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2), Sections 725.173(b) and 725.174(a) of the Board Regulations, 35 Ill. Adm. Code 725.173(b) and 725.174(a));

Count VI: Failure to Submit Complete and Accurate Annual Report (Section 21(i) of the Act, 415 ILCS 5/21(i) and Section 722.141 of the Board Regulations, 35 Ill. Adm. Code 722.141);

Count VII: Water Pollution (Section 12(a) of the Act, 415 ILCS 5/12(a)); and

Count VIII: Creation of Water Pollution Hazard (Section 12(d) of the Act, 415 ILCS 5/12(d)).

Plaintiff contends the releases occurring September 10, 2001, and September 15, 2002, referenced in Section III.B. paragraphs 12 and 13 of this Consent Order also constitute violations of Act and Board regulations and are therefore incorporated in this Consent Order by agreement between the parties.

D. Admission of Violations

The Defendant admits to the violations alleged in the Complaints filed in this matter and referenced herein.

E. Compliance Activities to Date

1. Keystone has implemented the following response activities to address the violations alleged in the Complaint filed before this Court:

a. Additional NPDES Effluent Sampling

Keystone's NPDES permit requires weekly effluent sampling. In addition, Keystone collects and analyzes an additional ammonia sample every week. Both sets of data are factored into the monthly Discharge Monitoring Report.

b. WWTP Effluent Monitoring

The ammonia concentrations of the effluent from the Waste Water Treatment Plant (WWTP") are monitored at least once per shift when processes using ammonia are in operation. Employees are trained to implement a corrective action investigation if concentrations exceed an internal threshold and authorize a shut down to prevent excess ammonia discharge.

c. Internal Production Wastewater Monitoring

An internal sampling, analysis and action system to characterize concentrations of ammonia prior to the treatment process is in place. Sampling is performed at least once per shift on shifts when processes using ammonia are in operation, and employees are trained to implement corrective actions and

shut down processes if exceedences occur.

d. Recycling and Reuse of Flux

Flux tanks were purchased and are used to recycle flux to the maximum extent practicable so that it can be reused instead of sent to the WWTP.

e. Flux Product Materials Changed

The type of flux material was changed reducing the ammonia content by 50%, and thereby reducing the amount of ammonia discharged.

f. Galvanizing Frame Improvements

A flux overflow tank was installed on the largest galvanizing frame and high level alarms were installed on all other frames to prevent accidental discharge of flux. Oversized drip pans were installed on all flux baths and wipes are used on all frames to prevent dragout from the flux baths.

g. Nail Galvanizing Materials Changed

The amount of flux per batch of nails was reduced by approximately 50%.

h. Chemical Purchase approval Program

All new chemicals proposed for use are reviewed by Keystone's Environmental and Safety Departments to evaluate environmental impacts.

2. Keystone has implemented the following response activities to address the violations alleged in the Complaint filed before the Board:

a. Color Coding of Waste Containers

Waste hoppers and roll-off boxes are color coded to enable employees to readily discern between specific waste streams and identify hazardous and non-hazardous waste.

b. Preventive Maintenance Inspection Program for Sulfuric Acid Systems

As a result of the 1998 spill, a monthly preventive maintenance inspection program for all piping, tanks, baths and systems used for sulfuric acid pickling was implemented. The inspection personnel include pipefitters, acid-tenders, welders, electricians and management.

c. Emergency Process Waste Basin and Pump Station

As a result of the 1998 spill, a diversionary piping system and a lined basin and pump station was constructed where process acid could be diverted in the event of a major release.

d. New Sulfuric Acid Tanks and Truck Unloading Containment

A new 12,500 gallon tank for virgin acid storage was installed in the Acid Recovery Building and piping configurations were changed so that all unloading of sulfuric acid trucks is conducted inside the containment building.

e. Hydrochloric Acid Double Wall Tank

A new hydrochloric acid double walled tank is being constructed between the Mid Mill and Wire Mill which will eliminate about ½ mile of overhead single-walled piping between the Mid Mill and Wire Mill.

f. Waste Verification Forms

An internal inspection of all waste loads leaving the facility was implemented. The foreman must inspect and verify all waste and fill out a form documenting shipment contents.

g. Reduction/Elimination/Reuse of Potentially Hazardous Constituents

Keystone has eliminated the use of lead annealing furnaces, thereby eliminating almost all D008 hazardous wastes, switched the parts washer service company so that all fluids are recycled and began recycling universal wastes in lieu of disposal.

3. Maintenance

Keystone further agrees to at all times maintain and use all of the systems and equipment installed and/or implemented to address the violations alleged in the Complaints filed.

IV.

APPLICABILITY

A. This Consent Order shall apply to and be binding upon the Plaintiff and the Defendant, and any officer, director, agent, employee or servant of the Defendant, as well as any successors or assigns of the Defendant. The Defendant shall not raise as a defense to any enforcement action taken pursuant to this Consent Order the failure of any of its officers, directors, agents, servants or employees to take such action as shall be required to comply with the provisions of this Consent Order.

B. No change in ownership, corporate status or operator of the

facility shall in any way alter the responsibilities of the Defendant under this Consent Order. In the event of any conveyance of title, easement or other interest in the facility, the Defendant shall continue to be bound by and remain liable for performance of all obligations under this Consent Order. In appropriate circumstances, however, the Defendant and a contemplated future owner or operator of the facility may jointly request, and the Plaintiff, in its discretion, may consider modification of this Consent Order to obligate the proposed purchaser or operator to carry out future requirements of this Consent Order in place of, or in addition to, the Defendant.

C. In the event that the Defendant proposes to sell or transfer any real property or operations subject to this Consent Order, the Defendant shall notify the Plaintiff 30 days prior to the conveyance of title, ownership or other interest, including a leasehold interest in the facility or a portion thereof. The Defendant shall make the prospective purchaser or successor's compliance with this Consent Order a condition of any such sale or transfer and shall provide a copy of this Consent Order to any such successor in interest. This provision does not relieve the Defendant from compliance with any regulatory requirement regarding notice and transfer of applicable facility permits.

V.

COMPLIANCE WITH OTHER LAWS AND REGULATIONS

This Consent Order in no way affects the responsibilities of

the Defendant to comply with any other federal, state or local laws or regulations, including but not limited to the Act, 415 ILCS 5/1 et seq. (2000), and the regulations of the Board and Illinois EPA, 35 Ill. Adm. Code, Subtitles A through H.

VI.

VENUE

The parties agree that the venue of any action commenced in the circuit court for the purposes of interpretation and enforcement of the terms and conditions of this Consent Order shall be in Peoria County, Illinois.

VII.

SEVERABILITY

It is the intent of the Plaintiff and Defendant that the provisions of this Consent Order shall be severable, and should any provision be declared by a court of competent jurisdiction to be inconsistent with state and federal law, and therefore unenforceable, the remaining clauses shall remain in full force and effect.

VIII.

JUDGMENT ORDER

This court, having jurisdiction over the parties and subject matter, the parties having appeared, due notice having been given, the court having considered the stipulated facts and being advised in the premises, the court finds the following relief appropriate:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

A. Penalty

1. a. The Defendant agrees to pay a civil penalty of Seventy-Five Thousand Dollars (\$75,000.00). Payment is due within thirty (30) days of the entry of this Consent Order and shall be made as follows:

b. The payments shall be made by certified check or money order, made payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund ("EPTF") and 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

c. The name, case number and the Defendant's Federal Employer Identification Number ("FEIN") _____, shall appear on the face of each certified check or money order. A copy of the certified check or money order and the transmittal letter shall be sent to:

Mitchell L. Cohen
Assistant Attorney General
Environmental Bureau
188 West Randolph Street, 20th Floor
Chicago, IL 60601

2. If the Defendant fails to make any payment specified within Section VIII.A.1. of this Consent Order on or before the date upon which the payment is due, the Defendant will be in

default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately.

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

Russ R. Perry
Manager, Energy & Environmental Engineering
Keystone Steel & Wire Co.
7000 S.W. Adams Street
Peoria Illinois 61641-0002

4. In the event of default, Plaintiff shall be entitled to reasonable costs of collection, including reasonable attorney fees.

B. Interest on Penalties

1. Pursuant to Section 42(g) of the Act, 415 ILCS 5/42(g), interest shall accrue on any penalty amount owed by the Defendant not paid within the time prescribed herein, at the maximum rate allowable under Section 1003(a) of the Illinois Income Tax Act, 35 ILCS 5/1003(a) (2002).

a. Interest on unpaid penalties shall begin to accrue from the date the penalty payment is due and continue to accrue to the date payment is received by the Illinois EPA.

b. Where partial payment is made on any payment amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

c. All interest on penalties owed the Plaintiff shall be paid by certified check payable to the Illinois EPA for deposit in the EPTF at the above-indicated address. The name, case

number, and the Defendant's FEIN shall appear on the face of the check. A copy of the check and the transmittal letter shall be sent to:

Mitchell L. Cohen
Assistant Attorney General
Environmental Bureau
188 West Randolph Street, 20th Floor
Chicago, IL 60601

C. Maintenance

Keystone shall at all times maintain and use all of the systems and equipment installed and/or implemented to address the violations alleged in the Complaints.

D. Future Use

Notwithstanding any other language in this Consent Order to the contrary, this Consent Order may be used against the Defendant in any subsequent enforcement action or permit proceeding as evidence of a past adjudication of violation of the Act and the Board Regulations promulgated thereunder, for purposes of Section 39(i) and/or 42(h) of the Act, 415 ILCS 5/39(i) and/or 5/42(h).

E. Right of Entry

In addition to any other authority, the Illinois EPA, its employees and representatives, and the Attorney General, his agents and representatives, shall have the right of entry into and upon the Defendant's facility which is the subject of this Consent Order, at all reasonable times for the purposes of carrying out inspections. In conducting such inspections, the

Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives may take photographs, samples, and collect information, as they deem necessary.

F. Transfer of Interest

In the event that the Defendant transfers any interest in the facility or any of the equipment or units therein before it has completed its obligations hereunder, the Defendant shall notify the transferee of this Consent Order and provide to the transferee a copy of this Consent Order. In that event, the Defendant shall also notify the Attorney General of the transfer.

G. Cease and Desist

The Defendant shall cease and desist from future violations of the Act and Board regulations, including but not limited to, those Sections of the Act and Board regulations that were the subject matter of the Complaints as outlined in Section III.C. of this Consent Order.

H. Release from Liability

In consideration of the Defendant's payment of a \$75,000.00 penalty and the commitments hereunder, including the maintenance and use of the systems and equipment installed and/or implemented to address the alleged violations, the Plaintiff releases, waives and discharges the Defendant from any further liability or penalties for violations of the Act and regulations which were the subject matter of the Complaints herein. For the same consideration, the Plaintiff releases, waives and discharges the

Defendant from any further liability or penalties for violations and releases occurring September 10, 2001, and September 25, 2002 referenced in Section III.B. paragraphs 12 and 13 of this Consent Order. The Plaintiff reserves, and this Consent Order is without prejudice to, all rights of the State of Illinois against the Defendant with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for natural resources damage arising out of the alleged violations; and
- c. liability or claims based on the Defendant's failure to satisfy the requirements of this Consent Order.

Nothing in this Consent Order 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 or the Illinois EPA may have against a person, as defined by Section 3.26 of the Act, 415 ILCS 5/3.26, or entity other than the Defendant.

I. Dismissal of Board Case

Also in consideration of, and upon the Defendant's payment of the \$75,000.00 penalty and the commitments hereunder, including the maintenance and use of the systems and equipment installed and/or implemented to address the alleged violations, Plaintiff shall move to dismiss the case against Keystone before

the Board: PCB 00 - 157. The Motion to Dismiss the Board case shall include and attach a copy of this Consent Order.

J. Retention of Jurisdiction

This court shall retain jurisdiction of this matter for the purposes of interpreting and enforcing the terms and conditions of this Consent Order, except that the parties may, by mutual written consent, extend any compliance dates or modify the terms of this Consent Order without leave of court. Any such agreed modification shall be in writing, signed by authorized representatives of each party, filed with the court and incorporated into this Consent Order by reference.

K. Enforcement of Consent Order

1. Upon the entry of this Consent Order, any party hereto, upon motion, may reinstate these proceedings solely for the purpose of enforcing the terms and conditions of this Consent Order. This Consent Order is a binding and enforceable order of the court and may be enforced as such through any and all available means.

2. Defendant agrees that notice of any subsequent proceeding to enforce this Consent Order may be made by mail and waives any requirement of service of process.

WHEREFORE, the parties, by their representatives, enter into this Consent Order and submit it to the court that it may be approved and entered.

AGREED:

FOR THE PLAINTIFF

PEOPLE OF THE STATE OF ILLINOIS
ex rel. JAMES E. RYAN,
Attorney General of the
State of Illinois

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

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

BY: _____
ROSEMARIE CAZEAU, Chief
Environmental Bureau
Assistant Attorney General

BY: _____
JOSEPH E. SVOBODA
Chief Legal Counsel

DATE: _____

DATE: _____

FOR THE DEFENDANT:

KEYSTONE CONSOLIDATED INDUSTRIES, INC.

BY: Robert E. Downing

DATE: 8/18/03

ENTERED: _____
JUDGE

DATE: _____

WHEREFORE, the parties, by their representatives, enter into this Consent Order and submit it to the court that it may be approved and entered.

AGREED:

FOR THE PLAINTIFF

PEOPLE OF THE STATE OF ILLINOIS
ex rel. JAMES E. RYAN,
Attorney General of the
State of Illinois

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

BY: *Rose Marie Cazeau*
ROSEMARIE CAZEAU, Chief
Environmental Bureau
Assistant Attorney General

DATE: 2/24/04

FOR THE DEFENDANT:

KEYSTONE CONSOLIDATED INDUSTRIES, INC. FEB 27 2004

BY: _____

DATE: _____

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

BY: *Joseph E. Svobeda*
JOSEPH E. SVOBODA
Chief Legal Counsel

DATE: 2/19/04

FILED
ROBERT M. SPEARS

CLERK OF THE CIRCUIT COURT
PEORIA COUNTY, ILLINOIS

ENTERED: *[Signature]*
JUDGE

DATE: 2/27/04