



RECEIVED
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DEC 13 2004

STATE OF ILLINOIS
Pollution Control Board

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 8, 2004

The Honorable Dorothy Gunn
Illinois Pollution Control Board
James R. Thompson Center, Ste. 11-500
100 West Randolph
Chicago, Illinois 60601

Re: ***People v. Safe Lock Self Storage, Inc.***
PCB No. 05-52

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of a NOTICE OF FILING, MOTION FOR LEAVE TO FILE AMENDED COMPLAINT, AMENDED COMPLAINT, MOTION FOR RELIEF FROM HEARING REQUIREMENT and STIPULATION AND PROPOSAL FOR SETTLEMENT in regard to the above-captioned matter. Please file the originals and return file-stamped copies of the documents 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

RECEIVED
CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD **DEC 13 2004**

PEOPLE OF THE STATE OF)
ILLINOIS,)
)
 Complainant,)
)
 vs.)
)
 SAFE LOCK STORAGE 2, LLC,)
 a Missouri corporation,)
)
 Respondent.)

STATE OF ILLINOIS
Pollution Control Board

PCB NO. 05-52
(ENFORCEMENT)

NOTICE OF FILING

To: Safe Lock Storage 2, LLC
c/o Jeff Parrish
801 Midpoint Drive
O'Fallon, MO 63366

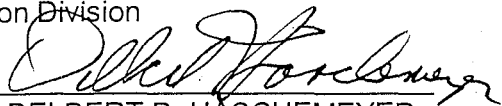
PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, a MOTION FOR LEAVE TO FILE AMENDED COMPLAINT, AMENDED COMPLAINT, MOTION FOR RELIEF FROM HEARING REQUIREMENT and STIPULATION AND PROPOSAL FOR SETTLEMENT, a copy of which is 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: 12/9/04

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CLERK'S OFFICE

DEC 13 2004

CERTIFICATE OF SERVICE

STATE OF ILLINOIS
Pollution Control Board

I hereby certify that I did on December 9, 2004, 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 LEAVE TO FILE AMENDED COMPLAINT, AMENDED COMPLAINT, MOTION FOR RELIEF FROM HEARING REQUIREMENT and STIPULATION AND PROPOSAL FOR SETTLEMENT:

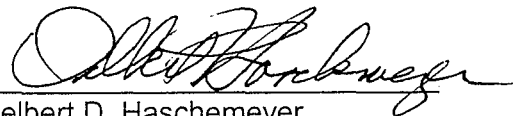
To: Safe Lock Storage 2, LLC
c/o Jeff Parrish
801 Midpoint Drive
O'Fallon, MO 63366

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 by First Class Mail with postage thereon fully prepaid

To: Carol Webb
Hearing Officer
Pollution Control Board
1021 N. Grand Avenue East
Springfield, IL 62704



Delbert D. Haschemeyer
Assistant Attorney General

This filing is submitted on recycled paper.

RECEIVED
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

DEC 13 2004

PEOPLE OF THE STATE OF)
ILLINOIS,)
)
Complainant,)
)
vs.)
)
SAFE LOCK STORAGE 2, LLC,)
a Missouri corporation,)
)
Respondent.)

STATE OF ILLINOIS
Pollution Control Board

PCB NO. 05-52
(ENFORCEMENT)

MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

Now comes the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and respectfully requests leave to file the attached Amended Complaint, and in support thereof states:

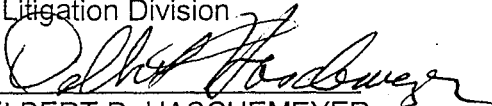
1. That the Respondent has informed the Complainant that the Complaint filed herein and the Stipulation and Proposal for Settlement incorrectly identifies the Respondent as "Safe Lock Storage, Inc."
2. Respondent informs the Complainant that the correct name of the company which owns and operates the facility located at 2215 Lebanon Avenue, Shiloh, Illinois, which is the subject of the Complaint filed herein, is Safe Lock Storage 2, LLC.
3. That the Complainant and Respondent are filing concurrently with this motion a Stipulation and Proposal for Settlement in which the identity of the Respondent has been changed to correctly identify the company owning and operating the subject facility.

WHEREFORE, Complainant respectfully requests the Board grant Complainant leave to file and deem as filed the attached Complaint correctly identifying the Respondent.

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
Environmental Bureau
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: 12/8/04

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DEC 13 2004

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF)
ILLINOIS,)
)
 Complainant,)
)
 vs.)
)
 SAFE LOCK STORAGE 2, LLC,)
 a Missouri corporation,)
)
 Respondent.)

PCB NO. 05-52
(ENFORCEMENT)

AMENDED COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondent, SAFE LOCK STORAGE 2, LLC, a Missouri corporation, as follows:

1. This Complaint is brought by the Attorney General on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2002).
2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2002), and charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board ("Board").
3. The Respondent, SAFE LOCK STORAGE 2, LLC (hereinafter "Safe Lock"), is a Missouri corporation in good standing with the Missouri Secretary of State. The President and Registered Agent is Jeff Parrish of O'Fallon, Missouri.
4. Respondent, Safe Lock, is constructing a rental storage facility on a 4.62 acre tract located at 2215 Lebanon Avenue, Shiloh, St. Clair County, Illinois.

5. Section 12(f) of the Act, 415 ILCS 5/12(f) (2002), provides the following prohibition:

No person shall:

* * *

- f. cause, threaten or allow the discharge of any contaminant into the waters of the State, as defined herein, including but not limited to, waters to any sewage works, or into any well or from any point source within the State, without an NPDES permit to point source discharges issued by the Agency under Section 39(b) of this Act, or in violation of any term or condition imposed by such permit, or in violation of any NPDES permit filing requirement established under Section 39(b), or in violation of any regulations adopted by the Board or of any order adopted by the board with respect to the NPDES program.

6. Section 309.102(a) of the Pollution Control Board water regulations, 35 Ill. Adm.

Code 309.102(a), provides:

Section 309.102 NPDES Permit Required

- (a) Except as in compliance with the provisions of the Act, Board regulations, and the CWA, and the provisions and conditions of the NPDES permit issued to the discharger, the discharge of any contaminant or pollutant by any person into the waters of the State from a point source or into a well shall be unlawful.

7. Section 301.204 of the Pollution Control Board water regulations, 35 Ill. Adm. Code

301.204, provides:

“CWA” means the Federal Water Pollution Control Act, as amended. (33 U.S.C. 1251, *et seq.* Public Law 92-500 enacted by Congress October 18, 1972, as amended by the “Clean Water Act.” Public Law 95-217, enacted December 12, 1977, as amended.)

8. Pursuant to Section 402 of the Clean Water Act, 33 U.S.C. 1342, the USEPA Administrator has promulgated rules requiring an NPDES permit for storm water discharges associated with small construction activity, that being construction activities that result in land disturbance equal to or greater than one acre and less than five acres in size. See, 40 C.F.R. Sections 122.1, 122.2 and 122.26(b)(15).

9. Commencing on some date prior to June 26, 2003, and continuing until August 11, 2003, Respondent developed and constructed the aforesaid storage facility without first obtaining an NPDES permit, in violation of Section 309.102 of the Board's water pollution regulations, 35 Ill. Adm. Code 309.102 and Section 12(f) of the Act, 415 ILCS 5/12(f) (2002).

PRAYER FOR RELIEF

WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against the Respondent, SAFE LOCK STORAGE 2, LLC, as follows:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that Respondent has violated the Act and regulations as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;
- D. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000) for each violation of the Act, and an additional penalty of ten thousand dollars (\$10,000) for each day during which each violation has continued thereafter;

- E. Awarding to Complainant its costs and reasonable attorney's fees; and
- F. Granting such other relief as the Board may deem appropriate.

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: _____

THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel

DELBERT D. HASCHEMEYER

Assistant Attorney General

500 South Second Street

Springfield, Illinois 62706

217/782-9031

Dated: 12/08/04

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD **DEC 13 2004**

STATE OF ILLINOIS
Pollution Control Board

| | | |
|----------------------------------|---|---------------|
| PEOPLE OF THE STATE OF ILLINOIS, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| vs. |) | PCB NO. 05-52 |
| |) | (ENFORCEMENT) |
| SAFE LOCK STORAGE 2, LLC, |) | |
| a Missouri corporation, |) | |
| |) | |
| Respondent. |) | |

MOTION FOR RELIEF FROM HEARING REQUIREMENT

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(c)(2) (2002), moves that the Illinois Pollution Control Board grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2002). In support of this motion, Complainant states as follows:

1. The parties have reached an agreement on all outstanding issues in this matter.
2. This agreement is presented to the Board in a Stipulation and Proposal for Settlement, filed contemporaneously with this motion.
3. 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).

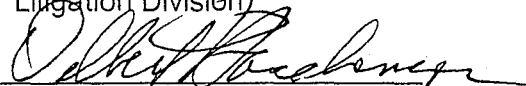
WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2002).

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: 12/8/89

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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 vs.)
)
 SAFE LOCK ~~SELF~~ STORAGE, INC., ^{2, LLC})
 a Missouri corporation, ^{9P})
)
 Respondent. ^{TD})
)

PCB No. 05-52
(Enforcement)

STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA M. MADIGAN, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency ("Illinois EPA"), and Respondent, SAFE LOCK ~~SELF~~ STORAGE, ^{2, LLC} INC., ^{9P} a Missouri corporation, have agreed to the making of this Stipulation and Proposal for Settlement and submit it to the Illinois Pollution Control Board ("Board") 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 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 Complaint except as otherwise provided herein. If the Board approves and enters this Stipulation, Respondent agrees to be bound by the Stipulation and not to contest its validity in any subsequent proceeding to implement or enforce its terms.

I.

JURISDICTION

The Board 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.* (2002).

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 Stipulation and to legally bind them to it.

III.

STATEMENT OF FACTS

A. Parties

1. On September 15, 2004, a Complaint was filed on behalf of the People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois, on her own motion and upon the request of the Illinois EPA, pursuant to Section 42(d) and (e) of the Act, 415 ILCS 5/42(d) and (e)(2002), against the Respondent.

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

3. At all times relevant to the Complaint, Respondent was and is a Missouri corporation that is in good standing with the Missouri Secretary of State.

B. Site Description

1. At all times relevant to the Complaint, Respondent was in the process of constructing a rental storage facility on a 4.62 acre tract of land located at 2215 Lebanon Avenue, Shiloh, Illinois (the "site").

C. Allegations of Non-Compliance

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

Count I: Respondent developed and constructed a storage facility without first obtaining an NPDES permit, in violation of Section 12(f) of the Act, 415 ILCS 5/12(f) (2002), and 35 Ill. Adm. Code 309.102.

D. Admission of Violations

The Respondent admits to the violation(s) alleged in the Complaint filed in this matter and referenced herein.

IV.

APPLICABILITY

This Stipulation shall apply to and be binding upon the Complainant and the Respondent, and any officer or agent of the Respondent, as well as any successors or assigns of the Respondent. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers or agents to take such action as shall be required to comply with the provisions of this Stipulation.

V.

COMPLIANCE WITH OTHER LAWS AND REGULATIONS

This Stipulation in no way affects the responsibilities of the Respondent to comply with any other federal, state or local laws or regulations including, but not limited to, the Act and the Board Regulations, 35 Ill. Adm. Code, Subtitles A through H.

VI.

IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c)(2002), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the parties state the following:

1. The environment was threatened by silt laden runoff from the site.
2. There is social and economic benefit to the facility.
3. Operation of the facility was suitable for the area in which it occurred.
4. Obtaining a permit prior to construction at the site and compliance with its terms is both technically practicable and economically reasonable.
5. Respondent has subsequently complied with the Act and the Board Regulations.

VII.

CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h)(2002), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the violator in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the 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 this Act by the violator.
6. whether the respondent voluntarily self-disclosed in accordance with subsection i of this Section, the non-compliance to the Agency; and
7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform.

In response to these factors, the parties state as follows:

1. The Respondent failed to obtain an NPDES permit for construction site activities prior to beginning construction activities at the site, and violated provisions of its permit once such coverage was obtained. The violations began on or before June 23, 2003, and continued for a short time thereafter. Respondent was issued an NPDES storm water permit on August 11, 2003.
2. Respondent was diligent in attempting to come back into compliance with the Act, Board Regulations and applicable Federal regulations, once the Illinois EPA notified it of its noncompliance.

3. There was a likely economic benefit Respondent realized from its noncompliance although the benefit is unquantifiable at this time.

4. Complainant has determined that a penalty of One Thousand Dollars (\$1,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

5. To Complainant's knowledge, Respondent has no previously adjudicated violations of the Act.

6. Self-disclosure is not an issue in this case;

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

VIII.

TERMS OF SETTLEMENT

A. Penalty Payment

1. The Respondent shall pay a penalty in the sum of One Thousand Dollars (\$1,000.00) within thirty (30) days after the date the Board adopts and accepts this Agreement. The penalty described in this Agreement shall be paid by certified check 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), 37-1441541, shall appear on the check. A copy of the certified check or money order and the transmittal letter shall be sent to:

Illinois Attorney General's Office
Attn: Peggy Poitevint
Environmental Bureau
500 South Second Street
Springfield, Illinois 62702

2. 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 (2002). Interest on any unpaid payment shall begin to accrue from the date the payment is due and continue 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.

3. Upon Respondent's failure to pay any installment of the penalty when due, the entire balance of the penalty remaining unpaid shall without notice be and become immediately due and payable.

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

Safe Lock Self Storage, Inc.
c/o Jeff Parrish
801 Midpoint Drive
O'Fallon, MO 63366

2, LLC
AP
TD
Jew

5. In the event of default, the Complainant shall be entitled to all available relief including, but not limited to, reasonable costs of collection and reasonable attorney's fees.

B. Future Use

Notwithstanding any other language in this Stipulation to the contrary, this Stipulation may be used against the Respondent in any subsequent enforcement action 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)(2002).

C. Correspondence, Reports and Other Documents

Any and all correspondence, reports and any other documents required under this Stipulation, except for payments pursuant to Section IX. of this Stipulation, shall be submitted as follows:

As to the Complainant

Delbert D. Haschemeyer
Assistant Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62702

Joey Logan-Wilkey
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

As to the Respondent

Safe Lock ~~Self~~ Storage, Inc.
c/o Jeff Parrish
801 Midpoint Drive
O'Fallon, MO 63366

2 LLC JL
TD
JAV

D. Right of Entry

In addition to any other authority, the Illinois EPA, its employees and representatives, and the Attorney General, her agents and representatives, shall have the right of entry into and upon the Respondent's facility which is the subject of 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 Attorney General, her employees and representatives may take photographs, samples, and collect information, as they deem necessary.

E. Cease and Desist

The Respondent 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 Complaint as outlined in Section III.C. of this Stipulation.

F. Release from Liability

In consideration of the Respondent's payment of the \$1,000.00 penalty, upon the completion of all activities required hereunder, and upon the Pollution Control Board's acceptance and approval of the terms of this Stipulation and Proposal for Settlement, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for violations of the Act and Board Regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed on September 15, 2004. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondent with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;
- c. liability for natural 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 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 any person, as defined by Section 3.26 of the Act, 415 ILCS 5/3.26, or entity other than the Respondent.

G. Enforcement of Stipulation

1. Upon the entry of the Board's Order approving and accepting this Stipulation and Proposal for Settlement, that Order is a binding and enforceable order of the Illinois Pollution Control Board and may be enforced as such through any and all available means.

2. Respondent agrees that notice of any subsequent proceeding to enforce and Board Order approving and accepting this Stipulation and Proposal for Settlement may be made by mail and waives any requirement of service of process.

3. The parties agree that, if the Board does not approve and accept this Stipulation and Proposal for Settlement, then neither party is bound by the terms herein.

4. It is the intent of the Complainant and Respondent that the provisions of this Stipulation and Proposal for Settlement 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 clauses shall remain in full force and effect.

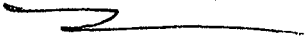
WHEREFORE, Complainant and Respondent request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN
Attorney General
State of Illinois

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

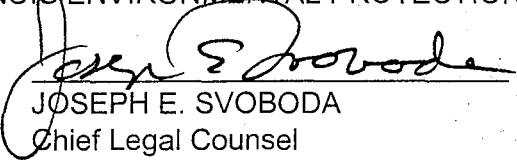
BY:


THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

DATE: 11/09/04

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

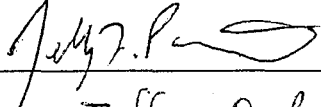
BY:


JOSEPH E. SVOBODA
Chief Legal Counsel

DATE: 10-13-04

SAFE LOCK ~~SELF~~ STORAGE, ~~INC.~~ ^{2 LLC}
a Missouri corporation _{70 JAV}

BY:


Name: Jeffrey Q. Parrish

Title: member

DATE: 11-3-04