



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

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MAY 11 2006
STATE OF ILLINOIS
Pollution Control Board

Lisa Madigan
ATTORNEY GENERAL

May 10, 2006

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

Re: **People v. The Carle Foundation Hospital**
PCB 06-172

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of a Notice of Filing, 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 to me in the enclosed, self-addressed envelope.

Thank you for your cooperation and consideration.

Very truly yours,


Jennifer Bonkowski
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

JB/pp
Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE

MAY 11 2006

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.)
)
THE CARLE FOUNDATION HOSPITAL,)
an Illinois not-for-profit corporation,)
)
Respondent.)

PCB No. 06- 172
(Enforcement)

NOTICE OF FILING

To: THE CARLE FOUNDATION HOSPITAL
an Illinois not-for-profit corporation
c/o James C. Leonard
611 W. Park
Urbana, IL 61801

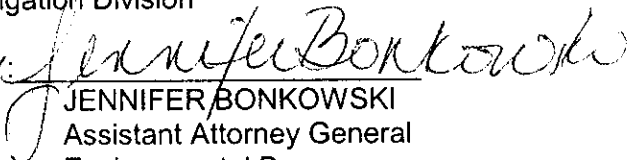
PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, a COMPLAINT, MOTION FOR RELIEF FROM HEARING REQUIREMENT and STIPULATION AND PROPOSAL FOR SETTLEMENT, copies of which are attached hereto and herewith served upon you.

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: 
JENNIFER BONKOWSKI
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: May 10, 2006


CERTIFICATE OF SERVICE

I hereby certify that I did on May 10, 2006, 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, COMPLAINT, MOTION FOR RELIEF FROM HEARING REQUIREMENT and STIPULATION AND PROPOSAL FOR SETTLEMENT:

To: THE CARLE FOUNDATION HOSPITAL
an Illinois not-for-profit corporation
c/o James C. Leonard
611 W. Park
Urbana, IL 61801

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


JENNIFER BONKOWSKI
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MAY 11 2006

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
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an Illinois not-for-profit corporation,)
)
Respondent.)

PCB No. 06- 172 ✓
(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) (2004), 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) (2004). In support of this motion, Complainant states as follows:

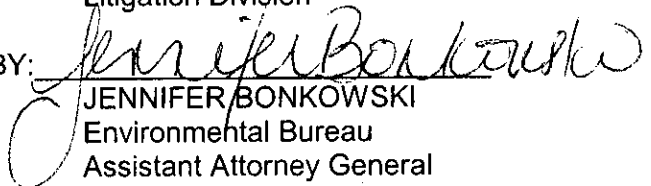
1. The parties have reached agreement on all outstanding issues in this matter.
2. This agreement is presented to the Board in a Stipulation and Proposal for Settlement, filed contemporaneously with this motion.
3. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not 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) (2004).

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) (2004).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
LISA MADIGAN
ATTORNEY GENERAL

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

BY: 
JENNIFER BONKOWSKI
Environmental Bureau
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: May 10, 2006

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
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Complainant,)
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-vs-)
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THE CARLE FOUNDATION HOSPITAL,)
an Illinois not-for-profit corporation,)
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PCB No. 06- 172
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STATE OF ILLINOIS
Pollution Control Board

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and at the request of the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, complains of the Respondent, THE CARLE FOUNDATION HOSPITAL, as follows:

COUNT I

POTENTIALLY INFECTIOUS MEDICAL WASTE VIOLATIONS

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 Complaint is brought pursuant to Section 31 of the Act, 415 ILCS 5/31 (2002), after providing the Respondent with notice and opportunity for a meeting with the Illinois EPA.
4. The Carle Foundation Hospital ("Carle") is an Illinois not-for-profit corporation

that operates a medical services facility at 701 East University Avenue, Urbana, Champaign County, Illinois. Carle is a generator of potentially infectious medical waste ("PIMW").

5. Section 3.360 of the Act, 415 ILCS 5/3.360 (2002), provides as follows:

(a) "Potentially infectious medical waste" means the following types of waste generated in connection with the diagnosis, treatment (i.e., provision of medical services), or immunization of human beings or animals; research pertaining to the provision of medical services; or the production or testing of biologicals:

- (1) Cultures and stocks. . . .
- (2) Human pathological wastes. . . .
- (3) Human blood and blood products. . . .
- (4) Used sharps. . . .

* * *

6. Section 56.1 of the Act, 415 ILCS 5/56.1 (2002), provides, in pertinent part:

No person shall:

(a) Cause or allow the disposal of any potentially infectious medical waste. Sharps may be disposed in any landfill permitted by the Agency under Section 21 of this Act to accept municipal waste for disposal, if both:

- (1) the infectious potential has been eliminated from the sharps by treatment, and
- (2) the sharps are packaged in accordance with Board regulations.

(b) Cause or allow the delivery of any potentially infectious medical waste for transport, storage, treatment or transfer except in accordance with Board regulations.

* * *

(d) Beginning July 1, 1992, cause or allow the delivery or transfer of any potentially infectious medical waste for transport unless:

- (1) the transporter has a permit issued by the Agency. . . .
- (2) a potentially infectious medical waste manifest is completed. . . .

- (e) Cause or allow the acceptance of any potentially infectious medical waste for purposes of transport, storage, treatment or transfer except in accordance with Board regulations;

* * *

7. Section 1420.104 of the Board's Biological Materials Regulations, 35 Ill.

Adm. Code 1420.104, incorporates the statutory prohibitions of Section 56.1 of the Act, 415 ILCS 5/56.1 (2002).

8. Section 1421.111 of the Board's Biological Materials Regulations, 35 Ill.

Adm. Code 1421.111, provides in pertinent part as follows:

- a) Generators shall segregate PIMW as follows:
 - 1) Sharps,
 - 2) Oversized PIMW, and
 - 3) All other.
- b) PIMW mixed with other waste is regulated under this Subtitle as PIMW and the mixture is not exempt from any other applicable regulations.

9. Section 1421.121 of the Board's Biological Materials Regulations, 35 Ill.

Adm. Code 1421.121, provides in pertinent part as follows:

- a) PIMW, except for oversized PIMW, must be placed in a container, or a combination of containers. Such container must be:
 - 1) Rigid;
 - 2) Leak-resistant;
 - 3) Impervious to moisture;
 - 4) Of a strength sufficient to prevent tearing or bursting under normal conditions of use or handling; and
 - 5) Sealed to prevent leakage during transit.

* * *

- b) Sharps, unless rendered unrecognizable pursuant to 35 Ill. Adm. Code 1422.126(a), must be packaged in a container, or a combination of

containers, that is puncture-resistant and meets the requirements of subsection (a) of this Section.

* * *

10. Carle's waste management program typically segregates PIMW from other wastes by containing and storing the PIMW in red plastic bags and the other wastes in clear plastic bags. The PIMW is then collected and treated in an onsite autoclave unit, utilizing high pressure and heat, processed by a grinder, and compacted for subsequent disposal at the Clinton Landfill.

11. On July 19, 2004, Carle caused or allowed the delivery of PIMW, including used sharps contained in a red plastic bag, for transport to the Clinton Landfill for disposal. The load of waste, including the red plastic bag of PIMW, was inspected and rejected by the Clinton Landfill in accordance with the landfill's permit obligations.

12. By causing or allowing the delivery of PIMW, including used sharps which were not segregated from the other PIMW and were contained in a red plastic bag, for transport to the Clinton Landfill for disposal, Carle violated Section 56.1(b) of the Act, 415 ILCS 5/56.1(b) (2002), and Sections 1420.104, 1421.111 and 1421.121 of the Board's Biological Materials Regulations, 35 Ill. Adm. Code 1420.104, 1421.111 and 1421.121.

PRAYER FOR RELIEF

WHEREFORE, Complainant, the People of the State of Illinois, respectfully request that the Board enter an order against the Respondent:

- 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. Pursuant to Section 42(b)(1) of the Act, 415 ILCS 5/42(b)(1) (2002), impose a civil penalty of not more than the statutory maximum; and

E. Granting such other relief as the Board may deem appropriate.

COUNT II

PIMW TRANSPORTATION WITHOUT REQUIRED MANIFESTS

1-11. Complainant realleges and incorporates herein by reference paragraphs 1 through 11 of Count I as paragraphs 1 through 11 of this Count II.

12. On July 19, 2004, Carle caused or allowed the acceptance of PIMW, including used sharps contained in a red plastic bag, for transport by Area Disposal, a waste hauler not permitted to transport PIMW, to the Clinton Landfill for disposal. Carle did not provide to Area Disposal the required PIMW manifest for such transport. By allowing the red bag of PIMW to be mixed with other waste, Carle caused the entire load to be regulated as PIMW.

13. By causing or allowing the acceptance of PIMW, including used sharps which were not segregated from the other PIMW and were contained in a red plastic bag, for transport by Area Disposal without a manifest, Carle violated Sections 56.1(d) and (e) of the Act, 415 ILCS 5/56.1(d) and (e) (2002), and Section 1420.104 of the Board's Biological Materials Regulations, 35 Ill. Adm. Code 1420.104.

PRAYER FOR RELIEF

WHEREFORE, Complainant, the People of the State of Illinois, respectfully request that the Board enter an order against the Respondent:

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. Pursuant to Section 42(b)(1) of the Act, 415 ILCS 5/42(b)(1) (2002), impose a civil penalty of not more than the statutory maximum; and

E. Granting such other relief as the Board may deem appropriate.

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: 
THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel
JENNIFER BONKOWSKI
500 South Second Street
Springfield, Illinois 62706
217/782-9031

Dated: 5/10/06

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
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Complainant,)
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-vs-)
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THE CARLE FOUNDATION HOSPITAL,)
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PCB No. 06- 172
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STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency ("Illinois EPA"), and THE CARLE FOUNDATION HOSPITAL, an Illinois not-for-profit corporation, ("Respondent"), have agreed to the making of this Stipulation and Proposal for Settlement ("Stipulation") and submit it to the Illinois Pollution Control Board ("Board") for approval. 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 Board Order and not to contest their validity in any subsequent proceeding to implement or enforce their 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. (2004).

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. A complaint is being filed simultaneously with this Stipulation on behalf of the People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois, on her own motion and upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31(2004), 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 (2004).

3. The Carle Foundation Hospital ("Carle") is an Illinois not-for-profit corporation that operates a medical services facility at 701 East University Avenue, Urbana, Champaign County, Illinois.

D. Site Description

1. Carle is a generator of potentially infectious medical waste ("PIMW").

2. Carle's waste management program typically segregates PIMW from other wastes by containing and storing the PIMW in red plastic bags and the other wastes in clear plastic bags. The PIMW is then collected and treated in an onsite autoclave unit, utilizing high pressure and heat, processed by a grinder, and compacted for subsequent disposal at the Clinton Landfill.

3. On July 19, 2004, Carle caused or allowed the delivery of PIMW, including used sharps contained in a red plastic bag, for transport to the Clinton Landfill for disposal. The load

of waste, including the red plastic bag of PIMW, was inspected and rejected by the Clinton Landfill in accordance with the landfill's permit obligations.

4. On July 19, 2004, Carle caused or allowed the acceptance of PIMW, including used sharps contained in a red plastic bag, for transport by Area Disposal, a waste hauler not permitted to transport PIMW, to the Clinton Landfill for disposal. Carle did not provide to Area Disposal the required PIMW manifest for such transport. By allowing the red bag of PIMW to be mixed with other waste, Carle caused the entire load to be regulated as PIMW.

C. Allegations of Non-Compliance

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

Count I: By causing or allowing the delivery of PIMW, including used sharps which were not segregated from the other PIMW and were contained in a red plastic bag, for transport to the Clinton Landfill for disposal, Carle violated Section 56.1(b) of the Act, 415 ILCS 5/56.1(b) (2004), and Sections 1420.104, 1421.111 and 1421.121 of the Board's Biological Materials Regulations, 35 Ill. Adm. Code 1420.104, 1421.111 and 1421.121.

Count II: By causing or allowing the acceptance of PIMW, including used sharps which were not segregated from the other PIMW and were contained in a red plastic bag, for transport by Area Disposal without a manifest, Carle violated Sections 56.1(d) and (e) of the Act, 415 ILCS 5/56.1(d) and (e) (2004), and Section 1420.104 of the Board's Biological Materials Regulations, 35 Ill. Adm. Code 1420.104.

D. Admission of Violations

The Respondent admits to the violations alleged in the Complaint filed in this matter and referenced within Section III.C herein.

E. Compliance Activities to Date

The following actions have been implemented by Carle to insure this type of incident does not occur again:

- Increased efforts to effectively train Carle employees on the proper disposal of PIMW and the consequences of improper disposal of PIMW.
- Installed viewing mirrors and extra lighting in the loading dock where the refuse is loaded into the transport container. This will allow Carle employees the ability to effectively inspect the general municipal waste during the loading process.
- Revised the incident reporting process to facilitate quicker responses when improperly handled waste is discovered.
- Revised the procedures used to process the treated PIMW. This will include use of a finer screen in the grinder to grind the waste to a finer consistency and grinding the rigid sharps containers separately from other treated waste to insure the sharps are rendered unrecognizable.
- Began checking loads of waste to insure that the waste meets all applicable standards for disposal.

IV. APPLICABILITY

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

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. Complainant contends that the injury to, or interference with, the protection of the health, general welfare, and physical property of the People would be characterized as possible contact with potentially infectious medical waste and the degree of injury would be dependent upon the degree of possible contact of landfill workers with potentially infectious medical waste.
2. The parties agree that Respondent's facility is of social and economic benefit;
3. Respondent's facility is suitably located at 701 East University Avenue, Urbana, Champaign County, Illinois.
4. The parties agree that complying with the Act and regulations is technically practicable and economically reasonable; and
5. Respondent implemented measures subsequent to the alleged violations that are the subject of the Complaint in this matter in order to operate in compliance with the Act.

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 respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection I of this Section, the non-compliance to the Agency; and
7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform.

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

1. Because of the potential for people to come into contact with the improperly disposed PIMW, the gravity of the violations was moderate. The duration of the violations was minimal (less than one day).
2. The facility was diligent in immediately and completely responding to PIMW

management concerns related to the violations.

3. The Respondent did not accrue any economic benefit in this matter.

4. Complainant has determined that a monetary penalty of \$6,200.00, in addition to the supplemental environmental project ("SEP") outlined in number 7 below, will serve to deter further violations and aid in future voluntary enforcement of the Act and applicable regulations.

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

6. The Respondent did not voluntarily self-disclose the non-compliance to the Illinois EPA; and

7. The settlement of this matter does include an SEP in addition to the monetary penalty.

In order to promote the goals of the Act to restore, protect and enhance the quality of the environment, Respondent shall perform the following SEP. The parties agree that this SEP consists of a mercury thermometer exchange and related disposal for up to 500 mercury thermometers.

Project Description

By April 1, 2007, Carle will implement the Thermometer Exchange Marketing Plan that it submitted to the Illinois EPA in September 2005. The Plan is outlined below:

Public promotion

Better Living magazine (if timing is right)

Carle consumer web sites

Paid advertising (C-U and Danville) \$ 1,500

Publicity (press release, PSA) \$ 100

| | | |
|--|--------------|-----------------|
| Collateral (POS posters*, fliers, etc) | \$ 750 | |
| Digital thermometers (500) | \$ 2,255 | |
| Disposal of 200 lbs of Mercury waste | \$ 1,120 | |
| DOT approved waste containers | \$ 60 | |
| Carle employee promotion | | |
| Weekly Update electronic newsletter | | |
| Foundations magazine | | |
| Posters | | |
| | TOTAL | \$ 5,785 |

*Poster Locations:

- CCA Urbana main campus waiting areas (pediatrics, adult medicine, family practice, OB, ENT, etc.)
- CCA Urbana SC entrance
- CCA branch locations (Mattis, Kirby, Rantoul, Danville, Mahomet)
- RxExpress waiting areas
- CFH lobby, surgical waiting room

Carle may modify its marketing plan at its discretion as long as an exchange of 500 thermometers occurs, or in the alternative, a minimum of \$5,700.00 is spent on the exchange program.

VIII. TERMS OF SETTLEMENT

A. Penalty Payment

1. The Respondent shall pay a civil penalty in the sum of six thousand two hundred dollars (\$6,200.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation. The Respondent stipulates that payment has been tendered to Respondent's attorney of record in this matter in a form acceptable to that attorney. Further, Respondent

stipulates that said attorney has been directed to make the penalty payment on behalf of Respondent, within thirty (30) days from the date the Board adopts and accepts this Stipulation, in a manner prescribed below. The penalty described in this Stipulation shall be paid by certified check, money order or electronic funds transfer 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) shall appear on the check. A copy of the certified check, money order or record of electronic funds transfer and any transmittal letter shall be sent to:

Peggy Poitevint
Office of the Attorney General
Environmental Bureau
500 South Second Street
Springfield, IL 62706

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, money order or electronic funds transfer, payable to the Illinois EPA, designated to the Illinois Environmental Protection Trust Fund and delivered to the address and in the manner described above.

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

James C. Leonard
Registered Agent
The Carle Foundation Hospital
611 W. Park
Urbana, IL 61801

4. In the event of default of this Section VIII.A, 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, and in consideration of the mutual promises and conditions contained in this Stipulation, including the Release from Liability contained in Section VIII.D, below, the Respondent hereby agrees that this Stipulation may be used against the Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations promulgated thereunder for all violations alleged in the Complaint in this matter, for purposes of Section 39(a) and (l) and/or 42(h) of the Act, 415 ILCS 5/39(a) and(l) and/or 5/42(h)(2002). Further, Respondent agrees to waive any rights to contest, in any subsequent enforcement action or permit proceeding, any allegations that these alleged violations were adjudicated.

C. Cease and Desist

The Respondent shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint as outlined in Section III.C ("Allegations of Non-Compliance") of this Stipulation.

D. Release from Liability

In consideration of the Respondent's payment of the \$6,200.00 penalty and any specified costs and accrued interest, completion of the SEP, to Cease and Desist as contained

in Section VIII.C 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 simultaneously with this Stipulation. 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 3.315 of the Act, 415 ILCS 5/3.315, or entity other than the Respondent.

E. 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.

F. Correspondence, Reports and Other Documents

Any and all correspondence, reports and any other documents required under this Stipulation, except for payments pursuant to Section VIII.A ("Penalty Payment") of this Stipulation shall be submitted as follows:

As to the Complainant

Jennifer Bonkowski
Assistant Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706

Kyle Davis
Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, IL 62794

As to the Respondent

Andrew Manzer
Vice President, Support Services
The Carle Foundation Hospital
611 W. Park Street
Urbana, IL 61801

James C. Leonard
Registered Agent
The Carle Foundation Hospital
611 W. Park
Urbana, IL 61801

G. Modification of Stipulation

The parties may, by mutual written consent, agree to extend any SEP implementation dates or modify the terms of this Stipulation. A request for any modification shall be made in writing and submitted to the contact persons identified in Section VIII.F. Any such request shall be made by separate document, and shall not be submitted within any other report or submittal

required by this Stipulation. Any such agreed modification shall be in writing, signed by authorized representatives of each party, and then accompany a joint motion to the Illinois Pollution Control Board seeking a modification of the prior order approving and accepting the Stipulation to approve and accept the Stipulation as amended.

H. Enforcement of Board Order

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 the 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.

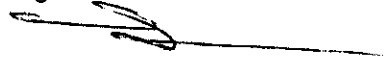
WHEREFORE, Complainant and Respondent request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN,
Attorney General
State of Illinois,

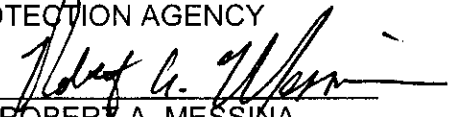
MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

Dated: 4/28/06

BY: 
THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

Dated: 5/3/06

BY: 
ROBERT A. MESSINA
Chief Legal Counsel
Division of Legal Counsel

THE CARLE FOUNDATION HOSPITAL,
an Illinois not-for-profit corporation

Dated: 4-19-06

BY: 