



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

RECEIVED  
CLERK'S OFFICE  
AUG 27 2009  
STATE OF ILLINOIS  
Pollution Control Board

**Lisa Madigan**  
ATTORNEY GENERAL

August 25, 2009

John Therriault, Assistant Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph  
Chicago, Illinois 60601

Re: **People v. Barger Engineering, Inc.**  
**PCB 06-82**

Dear Mr. Therriault:

Enclosed for filing please find the original and ten copies of a Notice of Filing, MOTION FOR RELIEF FROM HEARING REQUIREMENT and STIPULATION AND PROPOSAL FOR SETTLEMENT in regard to the above-captioned matter. Please file the originals and return file-stamped copies to me in the enclosed, self-addressed envelope.

Thank you for your cooperation and consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas Davis", written over a horizontal line.

Thomas Davis, Chief  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

TD/pjk  
Enclosure

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,  
  
Complainant,  
  
vs.  
  
BARGER ENGINEERING, INC., an Indiana corporation,  
  
Respondent.

PCB No. 06-82  
(Enforcement)

NOTICE OF FILING

To: Ms. Claire A. Manning  
Brown Hay & Stephens, LLP  
205 S. Fifth Street, Suite 700  
Springfield, IL 62701

RECEIVED  
CLERK'S OFFICE  
AUG 27 2009  
STATE OF ILLINOIS  
Pollution Control Board


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 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:   
THOMAS DAVIS, Chief  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: August 25, 2009

**CERTIFICATE OF SERVICE**

I hereby certify that I did on August 25, 2009, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING, MOTION FOR RELIEF FROM HEARING REQUIREMENT and STIPULATION AND PROPOSAL FOR SETTLEMENT:

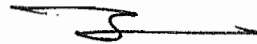
To: Ms. Claire A. Manning  
Brown Hay & Stephens, LLP  
205 S. Fifth Street, Suite 700  
Springfield, IL 62701

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

To: John T. Therrault, Assistant 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  
Illinois Pollution Control Board  
1021 North Grand Avenue East  
Springfield, IL 62794



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THOMAS DAVIS, Chief  
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
vs. )  
)  
BARGER ENGINEERING, INC., an )  
Indiana corporation, )  
)  
Respondent. )

PCB No. 06-82  
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STATE OF ILLINOIS  
Pollution Control Board

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) (2008), 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) (2008). In support of this motion, Complainant states as follows:

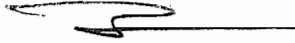
1. The parties have reached agreement on all outstanding issues in this matter.
2. This agreement is presented to the Board in a Stipulation and Proposal for Settlement, filed contemporaneously with this motion.
3. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not 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) (2008).

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) (2008).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS  
LISA MADIGAN  
ATTORNEY GENERAL

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

BY:   
THOMAS DAVIS, Chief  
Environmental Bureau  
Assistant Attorney General

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: August 25, 2009

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. )  
)  
BARGER ENGINEERING, INC., an Indiana )  
corporation, )  
)  
Respondent. )

PCB NO. 06-82  
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STATE OF ILLINOIS  
Pollution Control Board

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 BARGER ENGINEERING, INC. ("Respondent"), ("Parties to the Stipulation") 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. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board's approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/1 *et seq.* (2006), and the Board's Regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the parties to this Stipulation that it be a final adjudication of this matter.

**I. STATEMENT OF FACTS**

**A. Parties to the Stipulation**

1. On December 1, 2005, 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 31 of the Act, 415 ILCS 5/31 (2006), against the Respondent. On June 29, 2006, Complainant filed its first motion to amend the complaint and on October 16, 2007, Complainant filed its second motion to amend the complaint. Both motions were granted on November 15, 2007. On September 15, 2008, Complainant filed its third motion to amend the complaint, and that was granted on September 30, 2008.

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 (2006).

3. At all times relevant to the Complaint, Respondent was and is an Indiana corporation that is authorized to transact business in the State of Illinois. Respondent owns, leases, and operates multiple oil wells, including salt water injection, in White County, Illinois. At all times relevant to the Complaint, Respondent owned and operated the Phillipstown Unit Water Flood Plant located approximately five miles south of Crossville, two wells on the CT Spencer lease, 1814 County Road 1750, Crossville, and a compression coupler located on a flow line at the Everett Spencer #9 Production Well, 1814 County Road 1720, Crossville, all in White County, Illinois.

4. On September 23, 2005, a PVC transfer line located at the Phillipstown Unit Water Flood Plant had ruptured and released approximately 1,000 - 1,500 barrels of salt water and 10 to 20 barrels of crude oil. The salt water traveled approximately 1½ miles downstream from the facility into a drainageway and unnamed stream, which drains into the Wabash River. Crude oil and crude oil staining was approximately 1 mile downstream from the facility. The

chloride concentration of the water in the drainageway was at least 6,722 mg/L approximately 1½ miles downstream of the facility. Over 50 small fish, including small minnows and catfish, died approximately 1 1/4 miles downstream from the facility.

5. On September 26, 2005, over 100 more small fish, including minnows and catfish, had been killed about 1 1/4 to 1 ½ miles downstream from the Phillipstown Unit Water Flood Plant.

6. On May 18, 2006, a fiberglass pipeline from the Phillipstown Unit Water Flood Plant to the injection wells breached and released approximately 200 barrels of salt water. On May 19, 2006, the salt water had traveled approximately 1½ miles downstream from the pipeline into the same drainageway and unnamed stream that drains into the Wabash River as the September 23, 2005 release. On May 19, 2006, the chloride concentration of the water approximately 500 feet downstream of the breached pipeline was approximately 1,199 ppm. On May 25, 2006, the chloride concentration of the water was approximately 619-640 ppm downstream of the breached pipeline and upstream of a berm installed by the Respondent.

7. On April 20, 2007, a steel section of a flow line pipe for two wells located at the CT Spencer lease failed, releasing approximately 10 barrels of crude oil and 200 barrels of salt water. The salt water traveled approximately 800 feet through drain tiles and a water filled ditch into an unnamed creek. The chloride concentration of the water approximately 700 feet downstream of the where the salt water entered the stream was approximately 800-900 ppm.

8. On August 2, 2007, a compression coupler located on a flow line at the Everett Spencer #9 Production Well split releasing approximately 3 barrels of crude oil and 30 barrels of salt water. The salt water crossed the lease road and flowed into an unnamed creek. The



chloride concentration of the water approximately 150 feet downstream was approximately 598 ppm. The chloride concentration of the water approximately 700 feet downstream was approximately 1503 ppm.

9. On May 3, 2008, a transfer line connect to the L.G. Cleveland Tank Battery was damaged in a storm, resulting in a release of approximately 50 barrels of salt water, which flowed into a ditch leading to an unnamed creek. The chloride concentration of the water in the ditch was approximately 1,200 ppm. The incident number for this release is 2008 0600.

10. On August 12, 2008, an above ground injection line at the Phillipstown Unit Water Flood Plant failed. The line failure caused a release of approximately 50 barrels of salt water, which flowed into an unnamed creek. The chloride concentration of the water in the creek was approximately 700 to 2,000 ppm.

## **B. Allegations of Non-Compliance**

Complainant and the Illinois EPA contend that the Respondent has violated the following provisions of the Act and Board regulations:

- Count I: Section 12(a) and 12(f) of the Act, 415 ILCS 5/12(a), (f) (2004) and Sections 302.203 and 302.208(g) of the Board's Water Quality Standards Regulations, 35 Ill. Adm. Code 302.203, 302.208(g)
- Count II: Section 12(a), 12(d) and 12(f) of the Act, 415 ILCS 5/12(a), (d), and (f) (2004) and Sections 302.203 and 302.208(g) of the Board's Water Quality Standards Regulations, 35 Ill. Adm. Code 302.203, 302.208(g)
- Count III: 12(a), and 12(d) of the Act, 415 ILCS 5/12(a), (d), (2004) and Section 302.208(g) of the Board's Water Quality Standards Regulations, 35 Ill. Adm. Code 302.208(g)
- Count IV: Section 12(a), and 12(d) of the Act, 415 ILCS 5/12(a), (d), (2004) and Section 302.208(g) of the Board's Water Quality Standards

Regulations, 35 Ill. Adm. Code 302.208(g)

Count V: Section 12(a), and 12(d) of the Act, 415 ILCS 5/12(a), (d), (2004) and Section 302.208(g) of the Board's Water Quality Standards Regulations, 35 Ill. Adm. Code 302.208(g)

**C. Non-Admission of Violations**

The Respondent represents that it has entered into this Stipulation for the purpose of settling and compromising disputed claims without having to incur the expense of contested litigation. By entering into this Stipulation and complying with its terms, the Respondent does not affirmatively admit the allegations of violation within the Complaint and referenced within Section I.B herein, and this Stipulation shall not be interpreted as including such admission.

**D. Compliance Activities to Date**

1. In response to the September 23, 2005 release, Respondent moved the line that leaked away from the road ditch and all steel fittings were removed from the line. Respondent also inspected other lines in the area and replaced sections of the line that appeared corroded.

2. Respondent has prepared a Spill Prevention Control and Countermeasure (SPCC) Plan for each of Respondents eight Tank Batteries at the Phillipstown Waterflood facility.

3. Respondent has completed the investigation and cleanup of all six incidents described above, including incident 2008 0600.

**II. APPLICABILITY**

This Stipulation shall apply to and be binding upon the Parties to the Stipulation, 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. 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 for all violations alleged in the Third Amended Complaint in this matter, and any violations that could have been alleged regarding incident 2008 0600, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2006).

No change in ownership, corporate status or operator of the facilities cited in the Third Amended Complaint or the facility where incident 2008 0600 occurred shall in any way alter the responsibilities of the Respondent under this Stipulation. In the event that the Respondent proposes to sell or transfer any real property or operations subject to this Stipulation, the Respondent shall notify the Complainant and the Illinois EPA thirty (30) calendar days prior to the conveyance of title, ownership or other interest, including a leasehold interest in any of the facilities or a portion thereof. The Respondent shall make as a condition of any such sale or transfer, that the purchaser or successor provide to Respondent site access and all cooperation necessary for Respondent to perform to completion any compliance obligations required by this Stipulation. The Respondent shall provide a copy of this Stipulation to any such successor in interest and the Respondent shall continue to be bound by and remain liable for performance of all obligations under this Stipulation. In appropriate circumstances, however, the Respondent and a proposed purchaser or operator of any of the facilities may jointly request, and the Complainant and the Illinois EPA, in their discretion, may consider modification of this Stipulation to obligate the proposed purchaser or operator to carry out future requirements of this Stipulation in place of, or in addition to, the Respondent. This provision does not relieve the

Respondent from compliance with any regulatory requirement regarding notice and transfer of applicable facility permits.

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

Section 33(c) of the Act, 415 ILCS 5/33(c)(2006), 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 to this Stipulation state the following:

1. Human health was threatened and the environment was impacted by the Respondent's violations.
2. There is social and economic benefit to the operation, lease, and ownership of oil wells, including salt water injection, by the Respondent.
3. Operation of the oil wells and the salt water injection is suitable for the area in which they are located.
4. Refraining from releasing salt water and oil from the flow lines and disposal lines

is both technically practicable and economically reasonable.

5. Respondent has subsequently complied with the Act and the Board Regulations.

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

Section 42(h) of the Act, 415 ILCS 5/42(h)(2006), 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 to this Stipulation state as follows:

1. The Respondent released salt water and oil into waters of the State on six separate

occasions. The violations began on or around September 23, 2005 and were individually resolved at various times following each release.

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. No economic benefit was accrued by the Respondent.

4. Complainant and the Illinois EPA have determined, based upon the specific facts of this matter that a penalty of Fifty Thousand Dollars (\$50,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

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

6. Self-disclosure is not at issue in this matter.

7. The settlement of this matter includes a supplemental environmental project of a \$20,000 donation to the Illinois Petroleum Resources Board.

## V. TERMS OF SETTLEMENT

### A. Penalty Payment

1. The Respondent shall pay a civil penalty in the sum of Fifty Thousand Dollars (\$50,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

### B. Interest and Default

1. If the Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, the Respondent shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by the Respondent not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

### C. Payment Procedures

All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF").

Payments 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

The name, case number and the Respondent's federal tax identification number shall appear on the face of the certified check or money order. A copy of the certified check or money order and any transmittal letter shall be sent to:

Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62706

**D. Future Compliance**

1. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, shall have the right of entry into and upon any of the Respondent's facilities which is the subject of this Stipulation, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. 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.

2. 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.

3. The Respondent shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.

4. Respondent shall inspect on a monthly basis all flow and disposal pipelines crossing any ditch or creek that would eventually flow to a "blue line" as shown in the 7.5 minute



series topographic maps printed and produced by the United States Geological Survey (scale 1:24,000). If any of the flow and disposal pipelines are found to be corroded, have otherwise failed, or have the potential to fail, Respondent shall replace the pipeline immediately.

5. Respondent shall inspect daily the oil production and storage facilities and salt water injection facilities. If any of the facilities are found to need repair, the Respondent shall repair the facilities immediately.

**E. Supplemental Environmental Project**

1. In order to promote the goals of the Act to restore, protect and enhance the quality of the environment, the Respondent shall perform the following supplemental environmental project ("SEP"). The monetary value of the SEP is Twenty Thousand Dollars (\$20,000.00). The Parties to the Stipulation agree that this SEP shall consist of a donation to the Illinois Petroleum Resources Board.

2. The Defendant shall pay the amount of Twenty Thousand Dollars (\$20,000.00), within 30 days after the date the Board accepts this Stipulation, to the Illinois Petroleum Resources Board to fund cleanups of abandoned oil production sites. The payment shall be paid by certified check or money order made payable to Illinois Petroleum Resources Board. The certified check or money order shall be sent by first class mail to:

Charles Williams, Executive Director  
Illinois Petroleum Resources Board  
P.O. Box 941  
Mt. Vernon, IL 62864

Copies of the check and the transmittal letter shall be sent to:

Thomas Davis

Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62706

John Waligore  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

3. By signature on this Stipulation, the Respondent certifies that, as of the date of entry of this Order, it is not required to perform or develop the foregoing SEP by any federal, state or local law or regulation, nor is it required to perform or develop the SEP by agreement or injunctive relief in any other case. The Respondent further certifies that it has not received, and is not presently negotiating to receive credit for, the SEP in any other enforcement action.

4. Any public statement, oral or written, in print, film or other media, made by the Respondent making reference to any SEP shall include the following language: "This project was undertaken in connection with the settlement of an enforcement action taken by the Illinois Attorney General and the Illinois EPA for alleged violations of the Illinois Environmental Protection Act and regulations promulgated thereunder."

**F. Release from Liability**

In consideration of the Respondent's payment of the \$50,000.00 penalty, the \$20,000 SEP donation, its commitment to cease and desist as contained in Section V.D., completion of all activities required hereunder, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for the violations of the Act and Board Regulations that were the subject matter of the third Amended

Complaint herein and any violations associate with incident 2008 0600. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed on December 1, 2005 and amended on November 15, 2007 and September 15, 2008. 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.

**G. Enforcement of Stipulation**

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

**H. Execution of Stipulation**

The undersigned representatives for the Parties to this Stipulation 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.

WHEREFORE, the Parties to this Stipulation 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

FOR THE ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

DOUGLAS P. SCOTT, Director  
Illinois Environmental Protection Agency


BY:

  
\_\_\_\_\_  
THOMAS DAVIS, Chief  
Environmental Bureau  
Assistant Attorney General

DATE:

8/25/09

BY:


  
\_\_\_\_\_  
JOHN J. KIM  
Chief Legal Counsel

DATE:

8/21/09

BARGER ENGINEERING, INC.

BY:

  
\_\_\_\_\_  
Name: Matthew S. Stone

DATE:

June 10, 2009

Title: Vice President