

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE
SEP 22 2009
STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS)
)
Complainant,)
)
v.)
)
WASTE HAULING LANDFILL, INC., JERRY)
CAMFIELD, A.E. STALEY MANUFACTURING)
CO., ARCHER DANIELS MIDLAND, INC.,)
ARAMARK UNIFORM SERVICES, INC., BELL)
SPORTS, INC., BORDEN CHEMICAL CO.,)
BRIDGESTONE/FIRESTONE, INC., CLIMATE)
CONTROL, INC., CATERPILLAR INC., COMBE)
LABORATORIES, INC., GENERAL ELECTRIC)
RAILCAR SERVICES CORPORATION, P & H)
MANUFACTURING, INC., TRINITY RAIL)
GROUP, INC., TRIPLE S REFINING)
CORPORATION, and ZEXEL ILLINOIS, INC.,)
)
Respondents.)
)

PCB No. 10-9
(Enforcement - Land, Cost Recovery)

NOTICE OF FILING

TO: John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph Street
Chicago, IL 60601

Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274

SEE ATTACHED SERVICE LIST

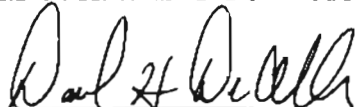
Matthew J. Dunn, Chief
James L. Morgan, Sr. Assistant Attorney General
Environmental Bureau
Environmental Enforcement/Asbestos
Litigation Division
500 South Second Street
Springfield, IL 62706

PLEASE TAKE NOTICE that on this date I have filed with the Office of the Clerk of the
Pollution Control Board the Appearances of Jeffrey J. Zeiger and David H. DeCelles, and the

Agreed Motion to Stay and accompanying Status Report, copies of which are herewith served upon you.

Dated: September 21, 2009

TRIPLE S REFINING CORPORATION

By:  _____

Jeffrey J. Zeiger
David H. DeCelles
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, Illinois 60654-3406
Telephone: (312) 862-2000
Facsimile: (312) 862-2200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and ten true and correct copies of the foregoing **NOTICE OF FILING, APPEARANCES, AGREED MOTION TO STAY** and accompanying **STATUS REPORT** were filed by First Class Mail, with postage thereon fully prepaid, upon:

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph Street
Chicago, IL 60601

and that copies were served this same date by United States Mail upon the following:

Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274

Matthew J. Dunn, Chief
James L. Morgan, Sr. Assistant
Attorney General
Environmental Bureau
Environmental Enforcement/Asbestos
Litigation Division
500 South Second Street
Springfield, IL 62706

SEE ATTACHED SERVICE
LIST



David H. DeCelles

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James Curtis
Elizabeth Leifel Ash
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801 Adlai Stevenson Drive
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208 South LaSalle Street, Suite 814
Chicago, IL 60604

WASTE HAULING LANDFILL, INC.
c/o Jerry Camfield, Sr.
2938 Oakmont Drive
Decatur, IL 62521

ZEXEL ILLINOIS, INC.
c/o Kathy Carter, R.A.
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Decatur, IL 62525

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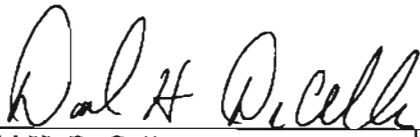
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PCB No. 10-9
(Enforcement - Land, Cost Recovery)

APPEARANCE

I hereby file my appearance in this proceeding, on behalf of Triple S Refining Corporation.

TRIPLE S REFINING CORPORATION



David H. DeCelles

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Date: September 21, 2009

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PCB No. 10-9
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APPEARANCE

I hereby file my appearance in this proceeding, on behalf of Triple S Refining Corporation.

TRIPLE S REFINING CORPORATION



Jeffrey J. Zeiger

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PCB No. 10-9
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AGREED MOTION TO STAY PCB NO. 10-9

Pursuant to 35 Ill. Admin. Code § 101.514, Complainant People of the State of Illinois, as represented by the Attorney General of the State of Illinois (“Attorney General”), and Respondent Triple S Refining Corporation (“Triple S”) jointly submit this Motion to Stay the above-captioned proceeding (the “Proceeding”) as it relates to Triple S. The parties have agreed that a stay of the Proceeding pending the chapter 11 cases of Triple S and its affiliated debtors in the United States Bankruptcy Court for the Southern District of New York is in each party’s best interests. Accordingly, and as more fully set forth below, the parties respectfully request a six-month stay of the Proceeding at it relates to Triple S.

1. On January 12, 2009, Triple S filed a petition with the United States Bankruptcy Court for the Southern District of New York under chapter 11 of the Bankruptcy Code. Triple

S's chapter 11 case is being jointly administered with the chapter 11 cases of its parent company, Tronox Incorporated ("Tronox"), and other affiliated debtors. (Case No. 09-10156 (ALG))

2. On July 28, 2009, the Attorney General filed its complaint in this Proceeding. Triple S was served by certified mail on August 18, 2009. In the complaint, the Attorney General alleges that Triple S, *inter alia*, violated 415 ILCS 5/22.2, and seeks removal costs arising out of alleged releases and threatened releases at the Waste Hauling Landfill, a former sanitary landfill located in Macon County, Illinois.

3. Triple S and its affiliated debtors are currently operating their businesses and managing their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

4. A stay of this Proceeding will benefit both the People of Illinois and Triple S. A stay will allow Triple S to conserve precious resources as it pursues its chapter 11 restructuring. These efforts are in the best interests of Triple S's creditors—including creditors who hold claims related to Triple S's environmental liabilities like those alleged in this Proceeding—because they will maximize the value of Triple S's estate. In addition, the United States is currently negotiating on behalf of Triple S's creditors a global settlement with Triple S and its affiliated debtors to resolve claims resulting from environmental liabilities. It is anticipated that this global settlement will resolve the Proceeding, thereby sparing the parties the costs of unnecessary litigation in connection with the Proceeding.

WHEREFORE, the Attorney General and Triple S respectfully request that, pursuant to 35 Ill. Admin. Code § 101.514, the Board stay this Proceeding as it relates to Triple S for six months from the date on which the Board issues such an Order. The parties further respectfully request that such stay toll any deadlines applicable to this Proceeding, including without

limitation the deadlines applicable to Triple S's filing of any response or answer to the complaint, effective September 14, 2009.

Dated: September 21, 2009.

PEOPLE OF THE STATE OF ILLINOIS

TRIPLE S REFINING CORPORATION

By: James L. Morgan / DHO

By: David H. DeCelles

LISA MADIGAN,
Attorney General of the State of Illinois

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JAMES L. MORGAN,
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Litigation Department

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STATUS REPORT

Complainant People of the State of Illinois, as represented by the Attorney General of the State of Illinois ("Attorney General"), and Respondent Triple S Refining Corporation ("Triple S") jointly submit this Status Report in conformance with the requirements of 35 Ill. Admin. Code § 101.514.

- 1. On July 28, 2009, the Attorney General for the State of Illinois filed a complaint with this Board alleging that Triple S, inter alia, violated 415 ILCS 5/22.2.
2. Service was effected on Triple S by Certified Mail on August 18, 2009.
3. On September 14, 2009, the parties engaged in discussions concerning staying the above-captioned proceeding (the "Proceeding") as it relates to Triple S pending further developments in Triple S's jointly administered chapter 11 case before the United States

Bankruptcy Court for the Southern District of New York. The parties agreed that a six-month stay of the Proceeding would be appropriate. The parties also agreed to toll the deadlines applicable to Triple S's filing of any response or answer to the complaint, effective September 14, 2009, until the Board adjudicates the parties' agreed motion to stay.

Dated: September 21, 2009.

PEOPLE OF THE STATE OF ILLINOIS

By: James L. Morgan / OHO

LISA MADIGAN,
Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief
JAMES L. MORGAN,
Sr. Assistant Attorney General
Environmental Enforcement/Asbestos
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