

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 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  
 (Cost Recovery)

RECEIVED  
 CLERK'S OFFICE  
 JAN 22 2010  
 STATE OF ILLINOIS  
 Pollution Control Board

NOTICE OF FILING

To: BRIDGESTONE AMERICAS TIRE OPERATIONS, LLC  
 as successor to BRIDGESTONE FIRESTONE, INC.  
 c/o National Registered Agents, Inc.  
 200 West Adams Street  
 Chicago, IL 60606

JESSE WHITE, SECRETARY OF STATE  
 as statutory agent for service of process for ZEXEL ILLINOIS, INC.  
 Department of Business Services  
 Howlett Building  
 Springfield, IL 62756

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, an AMENDED COMPLAINT, a copy of which is attached hereto and herewith served upon you. Failure to file an answer to this Complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in this Complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Clerk's Office or an attorney.

FURTHER, please take notice that financing may be available, through the Illinois Environmental Facilities Financing Act, 20 ILCS 3515/1 (2008), to correct the pollution alleged in the Complaint filed in this case.

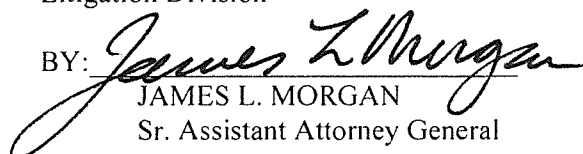
Respectfully submitted,

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:

  
JAMES L. MORGAN  
Sr. Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: January 19, 2010

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD  
MACON COUNTY, ILLINOIS**

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  
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Pollution Control Board

**FIRST AMENDED COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondents, WASTE HAULING LANDFILL, INC., JERRY CAMFIELD, AE 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., TRIPLE S REFINING CORPORATION, TRINITY RAIL GROUP, INC., and ZEXEL ILLINOIS, INC. as follows:

**COUNT I: COST RECOVERY**

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

Title VIII (Sections 30-34) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/30-34 (2008).

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 (2008), and charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board ("Board").

3. This Complaint is brought pursuant to Section 22.2(f)-(k) of the Act, 415 ILCS 5/22.2(f)-(k) (2008).

4. Respondent, Waste Hauling Landfill, Inc., is a corporation formerly authorized to do business in the State of Illinois and is a person as defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2008). Waste Hauling Landfill, Inc., operated the Waste Hauling Landfill (the "Landfill"), a former sanitary landfill located in the Northwest Quarter of the Northwest Quarter of Section 26, Township 16 North, Range 1 East (Blue Mound Township), Macon County, Illinois.

5. Respondent, Jerry Camfield, is an individual and is a person as defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2008). Jerry Camfield owned Waste Hauling Landfill, Inc., and personally directed its operations.

6. Respondent, A. E. Staley Manufacturing Co., is a corporation authorized to do business in the State of Illinois and is a person as defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2008). A. E. Staley Manufacturing Co., sent wastes to the Landfill during its operating life and those wastes contained hazardous substances.

7. Respondent, Aramark Uniform Services, Inc., is a corporation no longer authorized to do business in the State of Illinois and is a person as defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2008). Aramark Uniform Services is a successor to Means Uniform Services. Means Uniform Services sent wastes to the Landfill during its operating life and those wastes contained hazardous substances.

8. Respondent, Archer Daniels Midland, Inc., is a corporation authorized to do business in the State of Illinois and is a person as defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2008). Archer Daniels Midland, Inc., sent wastes to the Landfill during its operating life and those wastes contained hazardous substances.

9. Respondent, Bell Sports, Inc., is a corporation authorized to do business in the State of Illinois and is a person as defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2008). Bell Sports, Inc., sent wastes to the Landfill during its operating life and those wastes contained hazardous substances.

10. Respondent, Borden Chemical Co., is a corporation authorized to do business in the State of Illinois and is a person as defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2008). Borden Chemical Co., sent wastes to the Landfill during its operating life and those wastes contained hazardous substances.

11. Respondent, Caterpillar Inc., is a corporation authorized to do business in the State of Illinois and is a person as defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2008). Caterpillar Inc. sent wastes to the Landfill during its operating life and those wastes contained hazardous substances.

12. Respondent, Climate Control, Inc., is a corporation authorized to do business in the State of Illinois and is a person as defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2008). Climate Control, Inc., sent wastes to the Landfill during its operating life and those wastes contained hazardous substances.

13. Respondent, Combe Laboratories, Inc., is a corporation authorized to do business in the State of Illinois and is a person as defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2008). Combe Laboratories, Inc., sent wastes to the Landfill during its operating life and those wastes contained hazardous substances.

14. Respondent, Bridgestone/Firestone Inc., is a corporation authorized to do business in the State of Illinois and is a person as defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2008).

Bridgestone/Firestone Inc., is a successor to Firestone Tire & Rubber Company. Firestone Tire & Rubber Company, sent wastes to the Landfill during its operating life and those wastes contained hazardous substances.

15. Respondent, General Electric Railcar Services Corporation, is a corporation authorized to do business in the State of Illinois and is a person as defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2008). General Electric Railcar Services Corporation acquired the North American Car Corporation. The North American Car Corporation sent wastes to the Landfill during its operating life and those wastes contained hazardous substances.

16. Respondent, Triple S Refining Corporation, is a corporation authorized to do business in the State of Illinois and is a person as defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2008). Triple S Refining Corporation is a successor to Kerr-McGee Refining Corporation. Kerr-McGee Refining Corporation sent wastes to the Landfill during its operating life and those wastes contained hazardous substances.

17. Respondent, P & H Manufacturing, Inc., is a corporation authorized to do business in the State of Illinois and is a person as defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2008). P & H Manufacturing, Inc., sent wastes to the Landfill during its operating life and those wastes contained hazardous substances.

18. Respondent, Trinity Rail Group, Inc., is a corporation authorized to do business in the State of Illinois and is a person as defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2008). Trinity Rail Group, Inc., acquired Thrall Car Manufacturing Co., which had previously acquired the rail car division of Portec, Inc. Thrall Car Manufacturing Co. and the rail car division of Portec, Inc., sent wastes to the Landfill during its operating life and those wastes contained hazardous substances.

19. Respondent, Zexel Illinois, Inc., is a corporation authorized to do business in the State of Illinois and is a person as defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2008). Zexel Illinois, Inc., acquired Borg-Warner Corp. Borg-Warner Corp. sent wastes to the Landfill during its operating life and those wastes contained hazardous substances.

20. Section 22.2 of the Act, 415 ILCS 5/22.2 (2008), provides that:

\* \* \*

f. Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (j) of this Section, the following persons shall be liable for all costs of removal or remedial action incurred by the State of Illinois or any unit of local government as a result of a release or substantial threat of a release of a hazardous substance or pesticide:

1. the owner and operator of a facility or vessel from which there is a release or substantial threat of a release of a hazardous substance or pesticide;

2. any person who at the time of disposal, transport, storage or treatment of a hazardous substance or pesticide owned or operated the facility or vessel used for such disposal, transport, treatment or storage from which there was a release or substantial threat of a release of a hazardous substance or pesticide;

3. any person who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of such hazardous substances owned or possessed by such person, by any other party or entity, at any facility, \* \* \*, owned or operated by another party or entity and containing such hazardous substances,

\* \* \*

21. The wastes and other materials disposed of at the Landfill include hazardous substances as defined by 3.14 of the Act, 415 ILCS 5/3.14 (2008).

22. The State has incurred and will continue to incur removal costs, as defined by the Act, associated with the releases and threatened releases of hazardous substances at the Facility.

23. Respondents are each a responsible party as described in Section 22.2(f)(1), (2), or (3) of the Act, 415 ILCS 4/22.2(f)(1), (2), or (3). Respondents are each liable for past, present, and future removal costs, as defined by the Act, incurred by the State resulting or arising out of the releases and

threatened releases at the Landfill.

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against the Respondents:

A. Authorizing a hearing in this matter at which time the Respondents will be required to answer the allegations herein;

B. Finding the Respondents, 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., Triple S Refining Corporation, and Trinity Rail Group, Inc., to be liable for past, present, and future removal costs, as defined by the Act, incurred by the Illinois EPA as a result of the releases and threatened releases of hazardous substances at the Facility;

C. Finding Respondents, to be liable for damages equal to three times the past, present, and future removal costs, as defined by the Act, incurred by the Illinois EPA as a result of the releases and threatened releases of hazardous substances at the Facility; because of the Respondents' refusal to perform the work set forth in the Section 4(q) notice issued by Illinois EPA;

D. Awarding to Complainant its costs; and

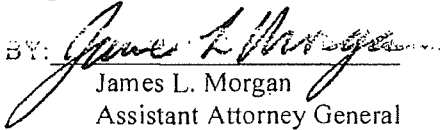


E. Granting such other relief as the Board may deem appropriate.

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:   
James L. Morgan

Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/524-7506  
Dated: 9-14-9