

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
vs.)
)
WASTE HAULING LANDFILL, INC., et al.,)
)
Respondents.)

PCB No. 10-9
(Cost Recovery)

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STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

To: ATTACHED SERVICE LIST

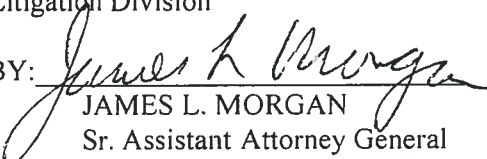
PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, the Complainant's Second Amended Complaint, a copy of each is attached hereto and herewith served upon you.

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: 
JAMES L. MORGAN
Sr. Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: October 29, 2010

CERTIFICATE OF SERVICE

I hereby certify that I did on the 29th day of October 2010, send by First Class Mail, with postage thereon fully prepaid, a true and correct copy of the instruments entitled Notice of Filing, Motion to Voluntarily Dismiss Archer Daniels Midland Company, and

Motion to Correct Misjoinder

TO: ARAMARK UNIFORM SERVICES, INC.

Jennifer Nijman
Nijman Franzetti LLP
10 South LaSalle St., Suite 3600
Chicago, IL 60603

BELL SPORTS, INC.
c/o John E. Collins
Husch Blackwell Sanders, LLP
The Plaza in Clayton Office Tower
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105

A. E. STALEY MANUFACTURING CO., n/k/a Tate & Lyle
c/o Jeryl Olson, James Curtis and Elizabeth Leifel Ash
Seyfarth Shaw
131 South Dearborn St., Suite 2400
Chicago, IL 60603

BORDEN CHEMICAL CO.
c/o Matthew Larson
Shook Hardy & Bacon
2555 Grand Boulevard
Kansas City, MO 64108

BORGWARNER, INC.
c/o Joshua More
Schiff Hardin
233 S. Wacker Drive
Chicago, IL 60606

CATERPILLAR, INC.
c/o Kevin Desharnais and Jennifer Simon
Mayer Brown LLP
71 South Wacker Drive
Chicago, IL 60606-4637

CLIMATE CONTROL, INC.
c/o Edward Q. Costa
Samuels, Miller, Schroeder, Jackson & Sly
P.O. BOX 1400
225 N. Water Street, Suite 301
Decatur, IL 62525-1400

GENERAL ELECTRIC RAILCAR SERVICES
CORPORATION
c/o Kirk McFarlane
Counsel, MidAtlantic/Southeast/Western Regions
Via telefax: 610-992-7898

COMBE LABORATORIES, INC.
c/o Theresa Duckett
Locke, Lord Bissell & Liddell
111 S. Wacker Drive
Chicago, IL 60606

P & H MANUFACTURING, INC.
c/o Edward Dwyer
Hodge Dwyer & Driver
3150 Roland Avenue
P.O. Box 5776

Springfield, IL 62705-5776

TRINITY RAIL GROUP, INC.
c/o Kristin Parker and Michael Dolan
Jones Day
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Chicago, IL 60601-1692

TRIPLE S REFINING CORPORATION
c/o Jeffrey J. Freeman
Kirkland & Ellis
300 North LaSalle St.
Chicago, IL 60654-3406

BRIDGESTONE FIRESTONE, INC.
c/o Heidi Hughes Bumpers
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51 Louisiana Ave. N.W.
Washington, DC 20001

Carol Webb, Esq.
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1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274

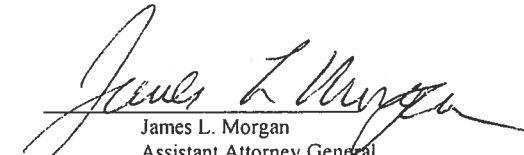
The foregoing was also sent by certified mail, return receipt requested to:

WASTE HAULING LANDFILL, INC.
2398 Oakmont Drive
Decatur, IL 62525

JERRY CAMFIELD, SR.
2398 Oakmont Drive
Decatur, IL 62525

and the original and ten copies were sent to:

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


James L. Morgan
Assistant Attorney General
Environmental Bureau/Springfield
500 South Second Street
Springfield, IL 62706

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

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
v.)	PCB NO. 10-9
WASTE HAULING LANDFILL, INC., JERRY)	(Cost Recovery)
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.)	

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SECOND 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., 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 BORGWARNER, 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. 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. The north side of the Landfill is adjacent to agricultural areas, wooded areas and the Sangamon River. The east side of the Landfill is adjacent to a pond and an unnamed creek that flows into the Sangamon River. There are also homes nearby with wells.

5. Pursuant to an order entered by the Macon County Circuit Court in 1992, the Landfill was ordered to close. The closure was not conducted in the manner required by the applicable regulations.

6. A site investigation report completed in 2001 documented that the cover was inadequate, there were sloped areas that needed to be stabilized, landfill gas was present in off-site locations, and there were numerous leachate seeps. Leachate sampling conducted later in 2001 showed the presence of waste constituents including listed hazardous substances such as benzene, chlorobenzene, toluene, chromium, and lead among others.

7. During the period of 2002-2003, Illinois EPA undertook the following efforts, among others, to prevent the existing releases and threatened releases of hazardous substances from the Landfill:

- a. Repairing existing erosion areas and leachate seeps;
- b. Resloping the sides of the Landfill;
- c. Installing a layer of tire chips and system of pipes to vent landfill gases;
- d. Constructing layers of clay (2) and geotextile (1) above the gas vent layer;

- e. Constructing a layer of 18-24" of soil above the clay layers;
- f. Constructing diversion berms and perimeter ditches to direct stormwater off the Landfill without causing erosion of the cover; and
- g. Vegetating the entire Landfill with native prairie plant species.

8. 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

9. 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.

10. Respondent, A. E. Staley Manufacturing Co., now known as Tate & Lyle, 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). Pursuant to Special Waste Stream Authorizations 792425, 792635, 792639, 792640, 800727, 802417, 803132, 810283, 812261, 880857, 880858, 880859, and 890457, A. E. Staley Manufacturing Co., arranged for the disposal of more than 18,000 cubic yards and 321,000 gallons of wastes at the Landfill during its operating life according to manifests filed with the Illinois EPA. One or more of those wastes contained one or more hazardous substances.

11. 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. Pursuant to Special Waste Stream Authorizations 802788 and 812929, Means Uniform Services arranged for the disposal of more than 197 cubic yards and 1,700 gallons of wastes at the Landfill during its operating life according to manifests filed with the Illinois EPA. One or more of those wastes contained one or more hazardous substances.

12. 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). Pursuant to Special Waste Stream Authorizations 870462, Bell Sports, Inc., arranged for the disposal of more than 360,800 gallons of wastes at the Landfill during its operating life according to manifests filed with the Illinois EPA. One or more of those wastes contained one or more hazardous substances.

13. 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). Pursuant to Special Waste Stream Authorizations 840149, Borden Chemical Co., arranged for the disposal of more than 1800 cubic yards and 100 gallons of wastes at the Landfill during its operating life according to manifests filed with the Illinois EPA. One or more of those wastes contained one or more hazardous substances.

14. Respondent, BorgWarner, 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). Pursuant to Special Waste Stream Authorization 792419 and 812851, Borg-Warner Inc. arranged for the disposal of more than 3200 cubic yards and 19,000 gallons of wastes at the Landfill during its operating life according to manifests filed with the Illinois EPA. One or more of those wastes contained one or more hazardous substances.

15. 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). Pursuant to Special Waste Stream Authorizations 800531, 800532, 860989, 860991, and 860994, Caterpillar Inc. arranged for the disposal of more than 650 cubic yards of wastes at the Landfill during its operating life according to manifests filed with the Illinois EPA. One or more of those wastes contained one or more hazardous substances.

16. 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). Pursuant to Special Waste Stream Authorizations 880493 and 891546, Climate Control, Inc., arranged for the disposal of more than 900 cubic yards gallons of wastes at the Landfill during its operating life according to manifests filed with the Illinois EPA. One or more of those wastes contained one or more hazardous substances.

17. 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). Pursuant to Special Waste Stream Authorizations, 880138 and 880338, Combe Laboratories, Inc., arranged for the disposal of more than 370 cubic yards and 1,600 gallons of wastes at the Landfill during its operating life according to manifests filed with the Illinois EPA. One or more of those wastes contained one or more hazardous substances.

18. 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. Pursuant to Special Waste Stream Authorizations 660601, 660609, 800828, 802396, 811349, and 890455, Firestone Tire & Rubber Company, arranged for the disposal of more than 18,000 cubic yards and 321,000 gallons of wastes at the Landfill during its operating life according to manifests filed with the Illinois EPA. One or more of those wastes contained one or more hazardous substances.

19. 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. Pursuant to Special Waste Stream Authorization 851220, the North American Car Corporation arranged for the disposal of more than 70 cubic yards and 700 gallons of wastes at the

Landfill during its operating life according to manifests filed with the Illinois EPA. One or more of those wastes contained one or more hazardous substances.

20. 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. Pursuant to Special Waste Stream Authorization 900426, Kerr-McGee Refining Corporation arranged for the disposal of more than 1,400 cubic yards and 130,000 gallons of wastes at the Landfill during its operating life according to manifests filed with the Illinois EPA. One or more of those wastes contained one or more hazardous substances.

22. 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). Pursuant to Special Waste Stream Authorizations 891358, P & H Manufacturing, Inc., arranged for the disposal of more than 7,800 gallons of wastes at the Landfill during its operating life according to manifests filed with the Illinois EPA. One or more of those wastes contained one or more hazardous substances.

23. 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. Pursuant to Special Waste Stream Authorizations 831564, 831565, 831566, 831567, and 851063, Thrall Car Manufacturing Co. and the rail car division of Portec, Inc., arranged for the disposal of more than 12,000 cubic yards and 85,000 gallons of wastes at the Landfill during its operating life according to manifests filed with the Illinois EPA. One or more of those wastes contained one or more hazardous substances.

24. 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,

* * *

25. The wastes and other materials disposed of at the Landfill include hazardous substances as defined by 3.14 of the Act, 415 ILCS 5/3.215 (2008).

26. 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.

27. 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., Aramark Uniform Services, Inc., Bell Sports, Inc., Borden Chemical, Co., BorgWarner, Inc., 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. Awarding to Complainant its costs; and

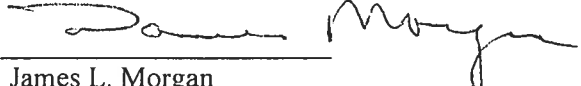
E. Granting such other relief as the Board may deem appropriate.

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: _____


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Dated: 10/29/11