

ILLINOIS POLLUTION CONTROL BOARD
March 17, 2011

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 10-9
) (Enforcement - Land, Cost Recovery)
WASTE HAULING LANDFILL, INC.,)
JERRY CAMFIELD, A. E. 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)
)
Respondents.)

ORDER OF THE BOARD (by G. T. Girard):

The Board has received several stipulations and proposals for settlement in this proceeding and for the reasons below, the Board directs the Clerk to provide public notice of the stipulations, proposed settlements, and requests for relief from the hearing requirement. Due to the numerous respondents in this proceeding the Board will provide some background regarding the case.

BACKGROUND

On July 30, 2009, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Waste Hauling Landfill, Inc., Jerry Camfield, A. E. 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., Trinity Rail Group, Inc., Tripple S Refining Corporation and Zexel Illinois, Inc.. The complaint concerns Waste Hauling Landfill, Inc.'s former landfill facility located in the Northwest Quarter of the Northwest Quarter of Section 26, Township 16 North, Range 1 East (Blue Mound Township), Macon County. On August 6, 2009, the Board accepted that complaint.

On January 22, 2010, the People filed an amended complaint, and a second amended complaint on November 3, 2010. Also, on September 16, 2010, the Board granted a motion to voluntarily dismiss Archer Daniels Midland, Inc and to correct a misnomer, substituting Borg Warner, Inc for Zexel Illinois, Inc..

STIPULATIONS AND PROPOSALS FOR SETTLEMENT

On March 11, 2011, the People and Aramark Uniform & Career Apparel, LLC (Aramark), Bell Sports Inc. (Bell Sports), Caterpillar Inc. (Caterpillar), and General Electric Railcar Services Corporation (GE Railcar) (collectively, Parties to the Stipulation) filed a stipulation and proposal for settlement. On March 15, 2011, the People and P & H Manufacturing, Inc. (P & H) filed a stipulation and proposal for settlement.

Waste Hauling Landfill, Inc., Jerry Camfield, A. E. Staley Manufacturing Co., Borden Chemical Co., Bridgestone/Firestone, Inc., Climate Control, Inc., Combe Laboratories, Inc., Triple S Refining Corporation, Trinity Rail Group, Inc., and Borg Warner, Inc are not a parties to this stipulations.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2008)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2008); 35 Ill. Adm. Code 103. In this case, the People allege in the one-count second amended complaint that the Parties to the Stipulation and P & H each arranged for the disposal of one or more hazardous substances at the Waste Hauling Landfill (Landfill) located in the Northwest Quarter of the Northwest Quarter of Section 26, Township 16 North, Range 1 East (Blue Mound Township), in Macon County. The People further allege that the Parties to the Stipulation are each a responsible party as described in Section 22.2(f)(1), (2), or (3) of the Environmental Protection Act (Act) (415 ILCS 5/22.2(f)(1), (2), or (3) (2008)) and 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.

On March 11, 2011, the People and the Parties to the Stipulation filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2008)). And on March 15, 2011, the People and P & H filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2008)). These filings are authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2008)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a).

Under the March 11, 2011 proposed stipulation, the Parties to the Stipulation do not admit to the violations but agree pay: 1) Aramark agrees to pay removal reimbursement costs of \$4,750 and litigation reimbursement costs of \$250; 2) Bell Sports agrees to pay removal reimbursement costs of \$15,120 and litigation reimbursement costs of \$500; 3) Caterpillar agrees to pay removal reimbursement costs of \$16,000 and litigation reimbursement costs of \$950; and, 4) GE Railcar agrees to pay removal reimbursement costs of \$1,200 and litigation reimbursement

costs of \$300. Under the March 15, 2011 stipulation P & H does not admit the violations but agrees to pay removal reimbursement costs of \$300.60 and litigation reimbursement costs of \$150.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2008); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 17, 2011, by a vote of 5-0.



John Therriault, Clerk
Illinois Pollution Control Board