

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
vs.)	PCB No. 10-9
)	(Cost recovery)
WASTE HAULING LANDFILL, INC.,)	
et al.)	
)	
Respondents.)	

NOTICE OF FILING

To: Attached Service List

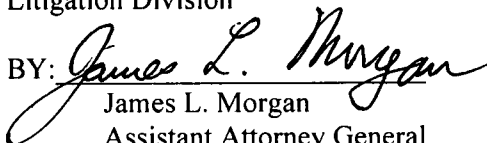
PLEASE TAKE NOTICE that on this date I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, a MOTION FOR RELIEF FROM HEARING REQUIREMENT and a STIPULATION AND PROPOSAL FOR SETTLEMENT, copies of which are attached hereto and herewith served upon you.

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: 
James L. Morgan
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/524-7506
Dated: October 12, 2011

CERTIFICATE OF SERVICE

I hereby certify that I did on the 12th day of October, 2011, send by First Class Mail, with postage thereon fully prepaid, a true and correct copy of the instruments entitled Notice of Filing, Motion for Relief from Hearing Requirement and Stipulation and Proposal for Settlement with Climate Control, Inc.

TO: ARAMARK UNIFORM SERVICES, INC.

c/o 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
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

ARCHER DANIELS MIDLAND, INC.

C/o Lee Cunningham, Counsel
4666 Faries Parkway
P.O. Box 1470
Decatur, IL 62526

CATERPIILLAR, 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
640 Freedom Business Center
King of Prussia, PA 19406

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
77 W. Wacker Street
Chicago, IL 60601-1692

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

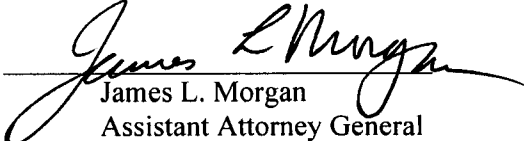
BRIDGESTONE FIRESTONE, INC.
c/o Heidi Hughes Bumpers
Jones Day
51 Louisiana Ave. N.W.
Washington, DC 20001

ZEXEL ILLINOIS, INC
c/o Jerry Maynard
Dykema
10 S. Wacker Drive, Suite 2300
Chicago, IL 60606

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

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

Service has not been accepted by:
WASTE HAULING LANDFILL, INC.
JERRY CAMFIELD, SR.


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

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
vs.)	PCB No. 10-9
)	(Cost Recovery)
WASTE HAULING LANDFILL, INC., et. al,)	
)	
Respondents.)	

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, with the concurrence of Respondent CLIMATE CONTROL, INC., now known as 2120 Investments, Inc., and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(c)(2) (2010), moves that the Illinois Pollution Control Board grant the Complainant and Respondent relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2010). In support of this motion, Complainant states as follows:

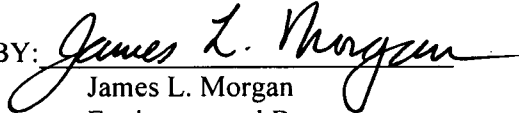
1. The Complaint has reached an agreement with Respondent resolving the claims in the Second Amended Complaint against the Respondent.
2. This agreement is presented to the Board in a Stipulation and Proposal for Settlement for Respondent, filed contemporaneously with this motion.
3. The Complainant and the Respondent 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) (2010).
4. Similar requests were previously submitted with regard to other Stipulations and Proposals for Settlement.

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) (2010).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
LISA MADIGAN
ATTORNEY GENERAL

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

BY: 
James L. Morgan
Environmental Bureau
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
217/524-7506
Dated: October 12, 2011

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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

STIPULATION AND PROPOSAL FOR SETTLEMENT WITH CLIMATE CONTROL, INC.

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 Climate Control, 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 the Stipulation that it be a final adjudication of this matter.

I. STATEMENT OF FACTS

A. Parties

1. On November 3, 2010, a Second Amended 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.

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 Illinois corporation that is authorized to transact business in the State of Illinois. At all times relevant to the Complaint, Respondent owned and operated a manufacturing facility located in Decatur, Macon County, Illinois

4. On two occasions in the year 1990, Respondent disposed of wastes generated from its operations at the Waste Hauling Landfill in Decatur, Macon County, Illinois.

5. Respondent had been issued waste stream authorizations ("WSA") 891546 and 880493.

6. According to special waste manifests submitted on behalf of Respondent, 908 cubic yards of non-hazardous special wastes covered by WSA 891546 and 880493 were disposed of at the Waste Hauling Landfill.

7. During the period of 2001 to 2009, Illinois EPA conducted removal actions at the Waste Hauling Landfill to address deteriorating conditions at the Waste Hauling Landfill, including numerous areas of erosion of the cover, and leachate seeps.

8. Illinois EPA incurred costs of approximately \$3,000,000.00 in performing these removal actions.

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.

V. TERMS OF SETTLEMENT

A. Removal Costs Payment

The Respondent shall pay the sum of Thirteen Thousand and fifty Dollars (\$13,050.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation to reimburse Illinois EPA for removal costs incurred at the Waste Hauling Landfill. The Respondent shall pay the sum of two-hundred fifty Dollars (\$250.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation to reimburse the Attorney General for the costs incurred in this litigation.

B. Payment Procedures

1. The payment required by this Stipulation to be made to Illinois EPA shall be made by certified check or money order payable to the Illinois EPA for deposit into the Hazardous Waste Fund.

The Payment 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 each certified check or money order and any transmittal letter shall be sent to the Attorney General at the address in paragraph 2 below.

2. The payment required by this Stipulation to be made to the Attorney General shall be made by certified check or money order payable to the "Attorney General's State Projects and Court Ordered Distribution Fund" and designated for deposit in the "801 Fund." Such payment may be by certified check or money order and shall be sent by first class mail and delivered to:

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

The name, case number and the Respondent's federal tax identification number shall appear on the face of the certified check or money order.

C. Release from Liability

In consideration of the Respondent's payment of the \$13,300.00 for reimbursement of removal costs and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondent, its former, present and future owners, shareholders, officers, directors, employees, affiliates, parents, subsidiaries, successors, predecessors, agents, and assigns from any further liability for the removal costs incurred by Illinois EPA at the Waste Hauling Landfill that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Second Amended Complaint filed on November 3, 2010. 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 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.

D. Covenant Not to Sue and Contribution Protection

The Parties agree, that by entering into this Stipulation the Board finds, that the Respondent, its former, present and future owners, shareholders, officers, directors, employees, affiliates, parents,

subsidiaries, successors, predecessors, agents, and assigns, whether pursuant to contract, by operation of law, have resolved their liability to the State and are entitled, as of the effective date of this Stipulation, to protection from contribution actions or claims as provided by Section 22.2a, 415 ILCS 5/22.2a, of the Act for matters addressed in this Stipulation.

E. Enforcement and Modification of Stipulation

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.

F. Execution of Stipulation

The undersigned representatives for the Parties to the 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 the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS,

THE ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

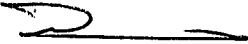
LISA MADIGAN

Attorney General
State of Illinois

LISA BONNETT, Interim Director
Illinois Environmental Protection Agency


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

BY:



THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

BY:



JOHN J. KIM
Chief Legal Counsel

DATE:

10/12/11

DATE:

10/19/11

CLIMATE CONTROL, INC.

BY:

Name:
Title

DATE:

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS,

THE ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

LISA MADIGAN
Attorney General
State of Illinois

LISA BONNETT, Interim Director
Illinois Environmental Protection Agency

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


BY: _____
THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

BY: _____
JOHN J. KIM
Chief Legal Counsel

DATE: _____

DATE: _____

CLIMATE CONTROL, INC. (currently known as 2120 Investments, Inc.)

BY: 
Name: Charles Demirian
Title: General Counsel & VP

DATE: 10/10/2011