

ILLINOIS POLLUTION CONTROL BOARD
October 20, 2011

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 10-9
) (Enforcement - Water)
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):

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., Triple 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 October 12, 2011, the People and Climate Control, Inc., (Climate Control) filed a proposed stipulation and now seek to settle without a hearing.¹ Waste Hauling Landfill, Inc.,

¹ The Board previously accepted stipulated settlements from Aramark Uniform & Career Apparel, LLC, Bell Sports Inc., Caterpillar Inc., General Electric Railcar Services Corporation, and P & H Manufacturing, Inc., *see* People v. Waste Hauling Landfill, Inc. *et al.*, PCB 10-9 (Apr. 21, 2011) and Triple S Refining Corporation, *see* People v. Waste Hauling Landfill, Inc. *et al.*, PCB 10-9 (Sept. 8, 2011). On September 8, 2011, the Board directed the Clerk to publish

Jerry Camfield, A. E. Staley Manufacturing Co., Borden Chemical Co., Bridgestone/Firestone, Inc., Combe Laboratories, Inc., BorgWarner, Inc., and Trinity Rail Group, Inc. are not parties to this stipulation.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), 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 (2010); 35 Ill. Adm. Code 103. In this case, the People allege in the one-count second amended complaint that Climate Control arranged for the disposal of wastes 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 Climate Control is a responsible party as described in Section 22.2(f)(1), (2), or (3) of the Act (415 ILCS 5/22.2(f)(1), (2), or (3) (2010)) and is 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 October 12, 2011, the People and Climate Control, 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), 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 October 12, 2011 proposed stipulation, Climate Control admits to the jurisdictional allegations and neither admits nor denies the factual allegations related to the violations. However, Climate Control, agrees to pay the sum of \$13,050.00 for reimbursement of removal costs and \$250.00 in attorney fees.

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) (2010); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

notice of a settlement with Combe Laboratories, Inc., *see* People v. Waste Hauling Landfill, Inc. et al., PCB 10-9 (Sept. 8, 2011) and granted a motion to dismiss Triple S Refining Corporation, *see* People v. Waste Hauling Landfill, Inc. et al., PCB 10-9 (Sept. 8, 2011). On October 6, 2011, the Board directed the Clerk to publish notice of a settlement with BorgWarner, Inc.. *See* People v. Waste Hauling Landfill, Inc. et al., PCB 10-9 (Oct. 6, 2011).

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 20, 2011, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

John Therriault, Assistant Clerk
Illinois Pollution Control Board