

ILLINOIS POLLUTION CONTROL BOARD
July 12, 2012

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., 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 BORGWARNER, INC.,)
)
Respondents.)

ORDER OF THE BOARD (by D. Glosser):

Three separate stipulations and proposals for settlement are pending in this proceeding. For the reasons below, the Board directs the Clerk to provide public notice of the stipulations and proposed settlements, along with the accompanying request for relief from the hearing requirement. The Board first provides background on this case.

BACKGROUND

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. 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., 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. 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 (Landfill).

On November 3, 2010, the People filed a second amended complaint, which the Board accepted for hearing by order of December 2, 2010. The case has not been to hearing. In the second amended complaint, the People allege that respondents are responsible parties under Section 22.2(f)(1), (f)(2), or (f)(3) of the Act (415 ILCS 4/22.2(f)(1), (f)(2), (f)(3) (2010)) and seek an award of past and future removal costs incurred by the Illinois Environmental Protection Agency (Agency) as a result of the releases and threatened releases of hazardous substances at the Landfill. Section 22.2(i) of the Act states that “costs and damages provided for in this Section may be imposed by the Board in an action brought before the Board in accordance with Title VIII of this Act” 415 ILCS 5/22.2(i) (2010).

The Board has already accepted stipulations and proposals for settlement involving 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), Combe Laboratories, Inc., *see* People v. Waste Hauling Landfill, Inc. et al., PCB 10-9 (Nov. 3, 2011), Borg Warner, Inc., *see* People v. Waste Hauling Landfill, Inc. et al., PCB 10-9 (Nov. 17, 2011), and Climate Control, Inc., *see* People v. Waste Hauling Landfill, Inc. et al., PCB 10-9 (Dec. 1, 2011). Borg Warner, Inc. was substituted for Zexel Illinois, Inc. *See* People v. Waste Hauling Landfill, Inc. et al., PCB 10-9 (Sept. 16, 2010). The Board has also granted the People’s motions to voluntarily dismiss Triple S Refining Corporation, *see* People v. Waste Hauling Landfill, Inc. et al., PCB 10-9 (Sept. 8, 2011), and Archer Daniels Midland, Inc., *see* People v. Waste Hauling Landfill, Inc. et al., PCB 10-9 (Sept. 16, 2010).

Now pending are three stipulations and proposals for settlement filed on June 21, 2012, through which the People seek to settle with the following entities without a hearing: (1) Bridgestone Americas Tire Operations, LLC (BATO), formerly known as Bridgestone/Firestone, Inc.; (2) Momentive Specialty Chemicals Inc. (MSC), formerly known as Borden, Inc.; and (3) A.E. Staley Manufacturing Co., now known as Tate & Lyle Ingredients Americas LLC (TLIA).

STIPULATIONS AND PROPOSALS FOR SETTLEMENT

The People filed three separate stipulations and proposed settlements (one with the BATO, one with MSC, and one with TLIA), accompanied by a single 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).

According to the People, Bridgestone/Firestone, Inc., now known as BATO, was a successor to Firestone Tire & Rubber Company, which arranged for the disposal of wastes at the Landfill. The People further allege that MSC, formerly known as Borden, Inc., or one of its subsidiaries, affiliates, or predecessors, arranged for the disposal of wastes at the Landfill. In addition, the People allege that A.E. Staley Manufacturing Co., now known as TLIA, arranged

for the disposal of wastes at the Landfill. Under the proposed stipulation with BATO, BATO agrees to pay \$324,000 to reimburse the Agency for removal costs incurred at the Landfill and \$1,000 to reimburse the Attorney General for litigation costs. Under the proposed stipulation with MSC, MSC agrees to pay \$33,000 to reimburse the Agency for removal costs incurred at the Landfill and \$450 to reimburse the Attorney General for litigation costs. Finally, under the proposed stipulation with TLIA, TLIA agrees to pay \$9,270 to reimburse the Agency for removal costs incurred at the Landfill and \$250 to reimburse the Attorney General for litigation costs.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulations, proposed settlements, 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, as appropriate, deny the parties' 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.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 12, 2012, by a vote of 5-0.



John T. Therriault, Assistant Clerk
Illinois Pollution Control Board