

ILLINOIS POLLUTION CONTROL BOARD
February 7, 2013

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 BORGLAWNER, INC.,)
)
Respondents.)

ORDER OF THE BOARD (by D. Glosser):

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. Under the 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 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 People and Trinity Rail Group, LLC (Trinity) now seek to settle without a hearing. Waste Hauling Landfill Inc. and Jerry Camfield are not a party to the stipulation.

The Board already accepted stipulations and proposals for settlement involving:

- 1) Bridgestone Americas Tire Operations, LLC, formerly known as Bridgestone/Firestone, Inc., Momentive Specialty Chemicals Inc., formerly known as Borden, Inc., A.E. Staley Manufacturing Co., now known as Tate & Lyle Ingredients Americas LLC, see People v. Waste Hauling Landfill, Inc. et al., PCB 10-9 (Sept. 20, 2012)
- 2) 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),
- 3) Combe Laboratories, Inc., see People v. Waste Hauling Landfill, Inc. et al., PCB 10-9 (Nov. 3, 2011),
- 4) Borg Warner, Inc., see People v. Waste Hauling Landfill, Inc. et al., PCB 10-9 (Nov. 17, 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).
- 5) Climate Control, Inc., see People v. Waste Hauling Landfill, Inc. et al., PCB 10-9 (Dec. 1, 2011).

The Board 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).

On January 10, 2013, the People and Trinity 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 proposed stipulation, Trinity does not affirmatively admit the allegations and agrees to pay a civil penalty of \$30,000 and an additional \$750 for costs associated with this litigation.

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 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 February 7, 2013, by a vote of 5-0.

A handwritten signature in black ink, reading "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board