

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

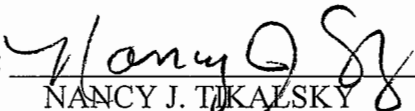
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|---------------------------------------|---|----------------------|
| PEOPLE OF THE STATE OF ILLINOIS, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | PCB No. 15 - |
| |) | (Enforcement - Land) |
| SIGMA-ALDRICH MANUFACTURING, LLC, |) | |
| a Missouri limited liability company, |) | |
| |) | |
| Respondent. |) | |

NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that on the 19th day of September, 2014, I filed with the Clerk of the Illinois Pollution Control Board a Complaint, Stipulation and Proposal for Settlement, and a Motion to Request Relief from Hearing Requirement with Respondent, Sigma-Aldrich Manufacturing, LLC, copies of which are attached hereto and are hereby served upon you.

PEOPLE OF THE STATE OF ILLINOIS
LISA MADIGAN
Attorney General of the
State of Illinois

BY: 
 NANCY J. TKALSKY
 Assistant Attorney General
 Environmental Bureau North
 69 West Washington Street, Suite 1800
 Chicago, Illinois 60602
 312-814-8567

DATE: September 19, 2014

THIS FILING IS SUBMITTED ON RECYCLED PAPER

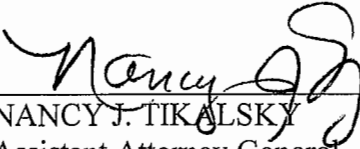
SERVICE LIST

Mr. Bradley Halloran
Chief Hearing Officer
Illinois Pollution Control Board
100 West Randolph Street, 11th Floor
Chicago, IL 60601
Brad.Halloran@Illinois.gov

Dale A. Guariglia
Bryan Cave
One Metropolitan Square
211 North Broadway
Suite 3600
St. Louis, MO 63102-2750

CERTIFICATE OF ELECTRONIC SERVICE

I, NANCY J. TIKALSKY, an Assistant Attorney General, do certify that I caused to be mailed this 19th day of September, 2014, the foregoing Complaint, Motion to Request Relief from Hearing, Stipulation and Proposal for Settlement and Notice of Filing with Respondent, Sigma-Aldrich Manufacturing, LLC, by electronic mail.



NANCY J. TIKALSKY
Assistant Attorney General
Environmental Bureau
69 W. Washington, Suite 1800
Chicago, IL 60602
312-814-8567

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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| |) | |
| Respondent. |) | |

COMPLAINT FOR CIVIL PENALTIES

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondent, SIGMA-ALDRICH, CO., LLC, a Delaware limited liability company, as follows:

COUNT I

DISPOSAL OF HAZARDOUS WASTE ON LAND

1. This count is brought on behalf of the People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois, against Respondent, SIGMA-ALDRICH, CO., LLC, ("Sigma") on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA") pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2012), and is an action for civil penalties.
2. The Illinois EPA is an administrative agency established in the executive branch of the State government by Section 4 of the Act, 415 ILCS 5/4 (2012), and is charged, *inter alia*, with the duty of enforcing the Act.
3. At all times relevant to this complaint, Respondent has been and is a Delaware limited liability company in good standing and duly authorized to do business in the State of

Illinois. Sigma owns and operates a biochemical business located at 3500 DeKalb Street, St. Louis, Missouri ("Facility").

4. Milam Landfill is permitted as a non-hazardous, special waste landfill located at 601 Madison Road, East St. Louis, Madison County, Illinois ("Site").

5. On information and belief, sometime before November 28, 2012, at the Facility, Sigma cleaned out an open waste pit that had not been cleaned out in 10 years. The waste pit contained waste sludge generated by the process of extracting organics from tissue, such as liver, meats, fats, and vegetables, using solvents, including but not limited to acetone, methanol, denatured alcohols, and occasionally MEK or chloroform ("Sigma sludge"). Sigma placed the Sigma sludge in a cart until analytical results of the contents were received.

6. On information and belief, on November 28, 2012, Sigma sampled the Sigma sludge and, on November 29, 2012, delivered the sample of the Sigma sludge to the lab for analysis of its contents.

7. On information and belief, on December 3, 2012, Sigma received the analytical results of the Sigma sludge from the lab. The TCLP-tested analytical results indicated the Sigma sludge contained a Chloroform content of 88.8 milligrams per liter ("mg/l").

8. Chloroform has a USEPA hazardous waste identifier number D022 ("D022"). The regulatory limit for D022 is 6.0 mg/liter.

9. On information and belief, on December 4, 2012, Sigma's production personnel added the Sigma sludge to a non-hazardous, non-placard dumpster ("dumpster"). At the time, the dumpster also contained a non-hazardous special waste diatomaceous earth ("DE").

10. On December 4, 2012, Sigma arranged to have the dumpster picked up for disposal at the Site. On December 4, 2012, the dumpster was transported to and dumped at the Site. On

information and belief, about one hour after the dumpster had been dumped at the Site, Sigma contacted the Site and informed it of the presence of the D022 hazardous waste in the dumpster. On information and belief, at that time, the dumpster load had been buried with one hour's worth of dumping of other non-hazardous waste. Upon information and belief, the Site personnel ceased dumping additional waste in the area where the Sigma sludge was dumped.

11. On December 5, 2012, the Illinois EPA inspected the Site ("December 2012 Inspection") in response to a report received on the same day from the Site that a load containing D022 hazardous waste was received and dumped at the Site. During the December 2012 Inspection, the Illinois EPA observed the location at the Site where the Sigma sludge with D022 hazardous waste had been dumped. At this location, the Illinois EPA observed that the Sigma sludge with D022 had been pushed down a slope and was mixed with household waste and US Steel sludge. The Illinois EPA determined that the Sigma sludge with D022 was indistinguishable from other non-hazardous waste where the Sigma sludge had been dumped at the Site.

12. During the December 2012 Inspection, the Illinois EPA reviewed records at the Site ("Site records review"). During the Site records review, the Illinois EPA reviewed Sigma's generator waste profile sheet for the non-hazardous, special waste DE.

13. During the Site records review, the Illinois EPA reviewed the waste manifest for the dumpster load received by the Facility from Sigma on December 4, 2012 ("Sigma waste manifest"). The Illinois EPA found that the Sigma waste manifest showed the dumpster load received from Sigma on December 4, 2012 listed a waste profile only for DE waste. During the Site records review, the Illinois EPA failed to find a uniform hazardous waste manifest from

Sigma for D022 hazardous waste for the dumpster load containing the Sigma sludge with D022 that was received by the Site on December 4, 2012.

14. Section 21(e) of the Act, 415 ILCS 5/21(e) (2012), provides, in pertinent part, as follows:

No person shall:

e. dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

15. Section 3.315 of the Act, 415 ILCS 5/3.315 (2012), provides the following definition:

"PERSON" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

16. Respondent is a "person" as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2012).

17. Section 3.535 of the Act, 415 ILCS 5/3.535 (2012), provides in pertinent part the following definition:

"WASTE" means any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities,

18. Section 3.220 of the Act, 415 ILCS 5/3.220 (2012), provides the following definition:

"HAZARDOUS WASTE" means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible,

illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, or pursuant to Board regulations.

19. Pursuant to authority granted under the Act, and in conformance with the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6901 *et seq.*, the Illinois Pollution Control Board ("Board") has promulgated regulations applicable to the disposal of solid waste, codified at 35 Ill. Admin.. Code Subtitle G, Chapter I ("Board Waste Disposal Regulations").

20. Section 721.124, Toxicity Characteristic, of the Board Waste Disposal Regulations, 35 Ill. Admin. Code 721.124, provides in pertinent part as follows:

a) A solid waste (except manufactured gas plant waste) exhibits the characteristic of toxicity if, using Method 1311 (Toxicity Characteristic Leaching Procedure (TCLP)) ..., the extract from a representative sample of the waste contains any of the contaminants listed in the table in subsection (b) of this Section at a concentration equal to or greater than the respective value given in that table. Where the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering using the methodology outlined in Method 1311, is considered to be the extract for the purpose of this Section.

b) A solid waste that exhibits the characteristic of toxicity has the USEPA hazardous waste number specified in the following table that corresponds to the toxic contaminant causing it to be hazardous.

MAXIMUM CONCENTRATION OF CONTAMINANTS FOR THE TOXICITY CHARACTERISTIC

| <u>USEPA Hazardous Waste No.</u> | <u>Contaminant</u> | <u>Regulatory Level (mg/l)</u> |
|----------------------------------|--------------------|--------------------------------|
| D022 | chloroform | 6 mg/l |

21. The Sigma sludge that contained 88.8 mg/l of D022 is a "waste" and "hazardous waste" as those terms are defined by Sections 3.535 and 3.220 of the Act, 415 ILCS 5/3.535 and 3.220 (2012), respectively.

22. Section 728.138(a) of the Board Waste Disposal Regulations, 35 Ill. Admin. Code 728.138(a), provides in pertinent part as follows:

The following wastes that are specified in the table at 35 Ill. Admin. Code 721.124(b) as USEPA hazardous waste numbers ..., D022, ... are prohibited from land disposal.

23. Section 3.185 of the Act, 415 ILCS 5/3.185 (2012), and Section 702.110 of the Board Waste Disposal Regulations, 35 Ill. Admin. Code 702.110, provides the following definition:

"DISPOSAL" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste or hazardous waste into or on any land or water or into any well so that such waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

24. The depositing and dumping of the Sigma sludge containing D022, a hazardous waste, on the land at the Site so that the D022 may enter the environment is "disposal" as that term is defined.

25. By placing D022, a hazardous waste, in a non-placard dumpster at its Facility, and arranging for transport to and disposal of the dumpster at the Site, where the D022 was dumped, Sigma caused the transport and disposal of D022 from its Facility into the State of Illinois for disposal at the Site.

26. By arranging for the transport to and disposal of D022, a hazardous waste, at the Site, Sigma violated Section 728.138(a) of the Board Waste Disposal Regulations, 35 Ill. Admin. Code 728.138(a), and, thereby, violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2012).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, SIGMA-ALDRICH CO., LLC, for the following relief:

1. Authorize a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Find that Respondent has violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2012), and Section 728.138(a) of the Board Waste Disposal Regulations, 35 Ill. Admin. Code 728.138(a);
3. Order Respondent to cease and desist from any further violations of Section 21(e) of the Act, 415 ILCS 5/21(e) (2012), and Section 728.138(a) of the Board Waste Disposal Regulations, 35 Ill. Admin. Code 728.138(a);
4. Assess against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and Board Waste Disposal Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;
5. Order Respondent to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and
6. Grant such other relief as the Board deems appropriate and just.

COUNT II

**FAILURE TO NOTIFY THE RECEIVING FACILITY OF UNTREATED
HAZARDOUS WASTE**

1 - 23. Complainant realleges and incorporates by reference herein paragraphs 1 through 21, and paragraphs 23 and 24 of Count I, as paragraphs 1 through 23 of this Count II.

24. Section 728.107 of the Board Waste Disposal Regulations, 35 Ill. Admin. Code 728.107, provides in pertinent part as follows:

a) Requirements for generators.

* * *

2) If the waste or contaminated soil does not meet the treatment standard or if the generator chooses not to make the determination of whether its waste must be treated, the generator must send a one-time written notice to each treatment or storage facility receiving the waste with the initial shipment of waste to each treatment or storage facility, and the generator must place a copy of the one-time notice in the file.

25. Section 702.110 of the Board Waste Disposal Regulations, 35 Ill. Admin. Code 702.110, provides the following definition:

“GENERATOR” (RCRA) means any person, by site location, whose act or process produces hazardous waste.

26. Sigma, having produced the Sigma sludge, is a “generator” as that term is defined in Section 702.110 of the Board Waste Disposal Regulations, 35 Ill. Admin. Code 702.110.

27. By arranging for the disposal of the Sigma sludge with D022 at the Site without written notice to the Site that the Sigma sludge failed to meet the treatment standard, or that Sigma had chosen not to make the determination of whether the Sigma sludge waste must be treated, Respondent violated Section 728.107(a)(2) of the Board Waste Disposal Regulations, 35

III. Admin. Code 728.107(a)(2), and thereby violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2012).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, SIGMA-ALDRICH CO., LLC, for the following relief:

1. Authorize a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Find that Respondent has violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2012), and Section 728.107(a)(2) of the Board Waste Disposal Regulations, 35 Ill. Admin. Code 728.107(a)(2);
3. Order Respondent to cease and desist from any further violations of Section 21(e) of the Act, 415 ILCS 5/21(e) (2012), and Section 728.107(a)(2) of the Board Waste Disposal Regulations, 35 Ill. Admin. Code 728.107(a)(2);
4. Assess against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and Board Waste Disposal Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;
5. Order Respondent to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and
6. Grant such other relief as the Board deems appropriate and just.

COUNT III

FAILURE TO USE A UNIFORM HAZARDOUS WASTE MANIFEST

1-25. Complainant realleges and incorporates by reference paragraphs 1 through 21, and paragraphs 23 and 24 of Count I, and paragraphs 25 and 26 of Count II, as Paragraphs 1 through 25 of this Count III.

26. Section 722.120(a) of the Board Waste Disposal Regulations, 35 Ill. Admin. Code 722.120(a), provides in pertinent part as follows:

a) A generator that transports hazardous waste or offers a hazardous waste for transportation for off-site treatment, storage, or disposal or a treatment, storage, or disposal facility that offers for transport a rejected load of hazardous waste must prepare a manifest on USEPA Form 8700-22

27. By failing to prepare a manifest for the D022, a hazardous waste, when Respondent offered the Sigma sludge containing D022 for transport for off-site disposal at the Site, Respondent violated Section 722.120(a) of the Board Waste Disposal Regulations, 35 Ill. Admin. Code 722.120(a), and thereby violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2012).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, SIGMA-ALDRICH CO., LLC, for the following relief:

1. Authorize a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Find that Respondent has violated Section 21(e) of the Act, 415 ILCS 5/21(e) (2012), and Section 722.120(a) of the Board Waste Disposal Regulations, 35 Ill. Admin. Code 722.120(a);

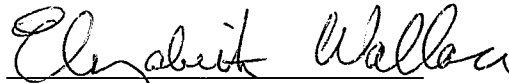
3. Order Respondent to cease and desist from any further violations of Section 21(e) of the Act, 415 ILCS 5/21(e) (2012), and Section 722.120(a) of the Board Waste Disposal Regulations, 35 Ill. Admin. Code 722.120(a);
4. Assess against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and Board Waste Disposal Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of each violation;
5. Order Respondent to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012), including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and
6. Grant such other relief as the Board deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS

ex rel. LISA MADIGAN, Attorney General
of the State of Illinois

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

BY:



ELIZABETH WALLACE, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel

NANCY J. TIKALSKY
Assistant Attorney General
Environmental Bureau
69 West Washington Street, Suite 1800
Chicago, Illinois 60602
(312) 814-8567

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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| |) | |
| Respondent. |) | |

**STIPULATION AND PROPOSAL FOR SETTLEMENT WITH
RESPONDENT SIGMA-ALDRICH MANUFACTURING, LLC**

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 Sigma-Aldrich, Manufacturing, LLC (“Respondent” or “Sigma”), (collectively “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. (2012), 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 September 19, 2014, a 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 (2012), 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 (2012).

3. At all times relevant to the complaint, Respondent has been and is a Missouri limited liability company not authorized to do business in the State of Illinois. Sigma operates a biochemical business located at 3500 DeKalb Street, St. Louis, Missouri ("Facility").

4. Milam Landfill is permitted as a non-hazardous, special waste landfill located at 601 Madison Road, East St. Louis, Madison County, Illinois ("Site"), where the Complainant alleged Sigma arranged to transport and dispose D022, a hazardous waste, contained in a non-placard dumpster from its Facility.

B. Allegations of Non-Compliance

Complainant contends that the Respondent has violated the following provisions of the Act and Board regulations:

Count I: DISPOSAL OF HAZARDOUS WASTE ON LAND
Violations of Section 21(e) of the Act, 415 ILCS 5/21(e) (2012),
and Section 728.138(a) of the Board Waste Disposal Regulations,
35 Ill. Admin. Code 728.138(a);

Count II: FAILURE TO NOTIFY THE RECEIVING FACILITY OF UNTREATED HAZARDOUS WASTE
Violations of Section 21(e) of the Act, 415 ILCS 5/21(e) (2012), and Section 728.107(a)(2) of the Board Waste Disposal Regulations, 35 Ill. Admin. Code 728.107(a)(2);

Count III: FAILURE TO USE A UNIFORM HAZARDOUS WASTE MANIFEST
Violations of Section 21(e) of the Act, 415 ILCS 5/21(e) (2012), and Section 722.120(a) of the Board Waste Disposal Regulations, 35 Ill. Admin. Code 722.120(a).

C. Non-Admission of Violations

The Respondent represents that it has entered into this Stipulation for the purpose of settling and compromising disputed claims without having to incur the expense of contested litigation. By entering into this Stipulation and complying with its terms, the Respondent does not affirmatively admit the allegations of violation within the Complaint and referenced within Section I.B herein, and this Stipulation shall not be interpreted as including such admission.

D. Compliance Activities to Date

As of March 20, 2013, Sigma revised its internal procedures for handling and managing solids and sludge from the Facility's settling pits for waste disposal.

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. 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. This Stipulation may be used against the Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for

all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2012).

III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (2012), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

1. The Illinois EPA finds human health and the environment were threatened by disposing hazardous waste at a non-hazardous, special waste landfill.
2. There is social and economic benefit to the Site.
3. Operation of the Site was suitable for the area in which it occurred.
4. Disposing of hazardous waste at a permitted facility was both technically practicable and economically reasonable.
5. Respondent has subsequently complied with the Act and the Board regulations.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2012, *effective as of August 23, 2011*), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the Respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the Respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the Respondent and to otherwise aid in enhancing voluntary compliance with this Act by the Respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the Respondent;
6. whether the Respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency;
7. whether the Respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a Respondent agree to undertake in settlement of an enforcement action brought under this Act, but which the Respondent is not otherwise legally required to perform; and
8. whether the Respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

1. The Respondent contacted the Site immediately upon learning that the dumpster contents included D022, a hazardous waste. The alleged violations occurred on or around December 4, 2012. On December 5, 2012, Illinois EPA inspector observed the location at the Site where the Sigma sludge with D022 hazardous waste had been dumped. At this location, the Illinois EPA observed that the Sigma sludge with D022 had been graded down a slope and was mixed with household waste and US Steel sludge. The Illinois EPA determined that the Sigma sludge with D022 was indistinguishable from other non-hazardous waste where the Sigma sludge had been dumped at the Site.
2. Respondent was diligent in attempting to come back into compliance with the Act and Board regulations, once it learned of its noncompliance.
3. The material released by Respondent should have been taken to a disposal facility permitted to accept hazardous waste. The cost of disposal is higher at a hazardous waste facility than a non-hazardous waste facility. By paying a lesser amount to dispose of hazardous waste, Sigma gained an economic benefit for its noncompliance in this matter.
4. Complainant has determined, based upon the specific facts of this matter that a penalty of Twelve Thousand, Five hundred dollars (\$12,500.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.
5. To Complainant's knowledge, Respondent has no previously adjudicated violations of the Act.
6. Self-disclosure is not at issue in this matter.
7. The settlement of this matter does not include a supplemental environmental project.

8. A Compliance Commitment Agreement was proposed by Respondent, but rejected by the Illinois EPA.

V. TERMS OF SETTLEMENT

A. Penalty Payment

1. The Respondent shall pay a civil penalty in the sum of Twelve Thousand, Five Hundred dollars (\$12,500.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

B. Interest and Default

1. If the Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, the Respondent shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by the Respondent not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

C. Payment Procedures

1. All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments 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, Illinois 62794-9276

2. The case name and case number shall appear on the face of the certified check or money order.

3. A copy of the certified check or money order and any transmittal letter shall be sent to:

Nancy J. Tikalsky
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 West Washington Street, Suite 1800
Chicago, Illinois 60602

D. Future Compliance

1. This Stipulation in no way affects the responsibilities of the Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.

2. The Respondent shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.

E. Release from Liability

In consideration of the Respondent's payment of the \$12,500.00 penalty, its commitment to cease and desist as contained in Section V.D.2 above, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for the violations of the Act and Board regulations 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 Complaint filed on September 19, 2014. 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.

F. Enforcement 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.

G. 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 ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

LISA MADIGAN
Attorney General
State of Illinois

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

LISA BONNETT, Director

BY: 
ELIZABETH WALLACE, Chief
Assistant Attorney General
Environmental Bureau

BY: 
JOHN J. KIM
Chief Legal Counsel

DATE: 9/5/14

DATE: 8/28/14

SIGMA-ALDRICH
MANUFACTURING, LLC

BY: _____

Its _____

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 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

LISA MADIGAN
Attorney General
State of Illinois

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

LISA BONNETT, Director

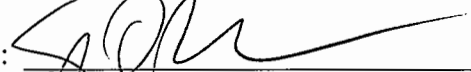
BY: _____
ELIZABETH WALLACE, Chief
Assistant Attorney General
Environmental Bureau

BY: _____
JOHN J. KIM
Chief Legal Counsel

DATE: _____

DATE: _____

SIGMA-ALDRICH
MANUFACTURING, LLC

BY: 
George Miller
Its General Counsel, Secretary

DATE: 9/3/14

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

| | | |
|---------------------------------------|---|----------------------|
| PEOPLE OF THE STATE OF ILLINOIS, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | PCB No. 15 - |
| |) | (Enforcement - Land) |
| SIGMA-ALDRICH MANUFACTURING, LLC, |) | |
| a Missouri limited liability company, |) | |
| |) | |
| Respondent. |) | |

MOTION TO REQUEST RELIEF FROM HEARING REQUIREMENT

NOW COMES the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and requests relief from the hearing requirement in the above-captioned matter. In support thereof, the Complainant states as follows:

1. On September 19, 2014, a Complaint was filed with the Illinois Pollution Control Board ("Board") in this matter. On September 19, 2014, a Stipulation and Proposal for Settlement with Respondent, SIGMA-ALDRICH MANUFACTURING, LLC, was filed with the Board.

2. Section 31(c)(2) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(c)(2) (2012), effective August 1, 1996, allows the parties in certain enforcement cases to request relief from the mandatory hearing requirement where the parties have submitted to the Board a stipulation and proposal for settlement.

3. Section 31(c)(2) of the Act, 415 5/31(c)(2) (2012), provides as follows:

Notwithstanding the provisions of subdivision (1) of this subsection (c), whenever a complaint has been filed on behalf of the Agency or by the People of the State of Illinois, the parties may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the requirement of a hearing pursuant to subdivision (1). Unless the

Board, in its discretion, concludes that a hearing will be held, the Board shall cause notice of the stipulation, proposal and request for relief to be published and sent in the same manner as is required for hearing pursuant to subdivision (1) of this subsection. The notice shall include a statement that any person may file a written demand for hearing within 21 days after receiving the notice. If any person files a timely written demand for hearing, the Board shall deny the request for relief from a hearing and shall hold a hearing in accordance with the provisions of subdivision (1).

4. No hearing is currently scheduled in the instant case.

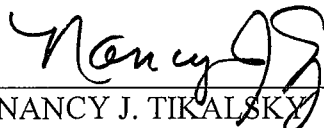
5. The Complainant requests the relief conferred by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2012).

WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, requests relief from the requirement of a hearing pursuant to 415 ILCS 5/31(c)(2) (2012).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
LISA MADIGAN
Attorney General of the
State of Illinois

BY: _____


NANCY J. TIKALSKY
Assistant Attorney General
Environmental Bureau North
69 West Washington Street, Suite 1800
Chicago, Illinois 60602
312-814-8567

DATE: September 19, 2014