

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

Complainant,

v.

HUEBER, LLC, an Illinois limited liability  
company,

Respondent.


PCB No. 16-  
(Enforcement - Air)

**NOTICE OF FILING**

To: See attached service list  
(VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board by electronic filing the following Complaint, Stipulation and Proposal for Settlement, and Motion for Relief from Hearing Requirement, copies of which are attached and hereby served upon you.

LISA MADIGAN  
Attorney General  
State of Illinois

  
JENNIFER A. VAN WIE  
Assistant Attorney General  
Environmental Bureau

Dated: August 28, 2015

Jennifer A. Van Wie  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602  
(312) 814-0609

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

**Service List**

For Hueber, LLC

Jon Hueber, President

Hueber, LLC

110 South Main Street

Creston, Illinois 60113

[By Certified U.S. Mail, Return Receipt Requested]

Illinois Environmental Protection Agency

Dennis Brown

Division of Legal Counsel

Illinois Environmental Protection Agency

1021 North Grand Avenue East

P.O. Box 19276

Springfield, Illinois 62794-9276

[By First Class U.S. Mail]

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

PEOPLE OF THE STATE OF ILLINOIS,	)	
by LISA MADIGAN, Attorney General	)	
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Complainant,	)	
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v.	)	PCB No. 16-
	)	(Enforcement – air)
HUEBER, LLC, an Illinois limited liability	)	
company,	)	
	)	
Respondent.	)	

**COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondent, HUEBER, LLC, an Illinois limited liability company, as follows:

**COUNT I**  
**FAILURE TO TIMELY SUBMIT ANNUAL EMISSIONS REPORTS**  
**FOR CALENDAR YEARS 2013 AND 2014**

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, on her own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”) pursuant to Section 31 of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31 (2014).
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 (2014), and is charged, *inter alia*, with the duty of enforcing the Act.
3. At all times relevant to this Complaint, Respondent Hueber, LLC (“Hueber” or “Respondent”), was and is an Illinois limited liability company in good standing with the Illinois Secretary of State.

4. Hueber owns and operates three (3) animal feed handling and storage facilities located in Creston, Holcomb, and Shabbona, Illinois. The facility that is the subject of this complaint is located at 110 South Main Street, Creston, Ogle County, Illinois ("Facility").

5. On September 14, 1999, the Illinois EPA issued lifetime operating permit no. 95020153 to Hueber.

6. Hueber's operation of the Facility is subject to the Act and the rules and regulations promulgated by the Illinois Pollution Control Board ("Board") and Illinois EPA. The Board's regulations for air pollution are found in Title 35, Subtitle B, Chapter I, of the Illinois Administrative Code ("Board Air Pollution Regulations"). The Illinois EPA's regulations for air pollution are found in Title 35, Subtitle B, Chapter II, of the Illinois Administrative Code ("IEPA Air Pollution Regulations").

7. Section 9(a) of the Act, 415 ILCS 5/9(a) (2014), provides as follows:

No person shall:

- (a) Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

8. Section 3.315 of the Act, 415 ILCS 5/3.315 (2014), 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.

9. Hueber, an Illinois corporation, is a "person," as that term is defined by Section 3.26 of Act, 415 ILCS 5/3.26 (2014).

10. Section 3.115 of the Act, 415 ILCS 5/3.115 (2014), provides the following definition:

“Air pollution” is the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

11. Section 3.06 of the Act, 415 ILCS 5/3.06 (2014), provides the following definition:

“Contaminant” is any solid, liquid, gaseous matter, any odor, or any form of energy, from whatever source.

12. The particulate matter emitted during grain handling operations at the Facility is a “contaminant” as that term is defined by Section 3.06 of the Act, 415 ILCS 5/3.06 (2014).

13. Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), provides as follows:

#### **Reports**

The owner or operator of any emission unit or air pollution control equipment, unless specifically exempted in this Section, shall submit to the Agency as a minimum, annual reports detailing the nature, specific emission units and total annual quantities of all specified air contaminant emissions; provided, however, that the Agency may require more frequent reports where necessary to accomplish the purposes of the Act and this Chapter.

14. Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102, contains the following definitions:

“Air Contaminant”: any solid, liquid or gaseous matter, any odor or any form of energy, that is capable of being released into the atmosphere from an emission source.

“Emission Source”: any equipment or facility of a type capable of emitting specified air contaminants to the atmosphere.

“Owner or Operator”: any person who owns, leases, controls or supervises an emission source or air pollution control equipment.

“Person”: any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency thereof or any legal successor, representative, agent or agency of the foregoing.

“Specified air contaminant”: any air contaminant as to which this Subtitle contains emissions standards or other specific limitation.

15. The Particulate matter discharged by Hueber during grain handling operations is a “specified air contaminant” as that term is defined in Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

16. Hueber is the “owner and operator” of “emission sources” as those terms are defined by Section 201.102 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.102.

17. Section 254.137(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.137(a), provides as follows:

#### **Reporting Schedule**

All Annual Emissions Reports are due by May 1 of the year following the calendar year in which the emissions took place.

18. Section 254.132(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.132(a), provides as follows:

#### **Failure to File a Complete Report**

Failure to file a complete Annual Emissions Report by the applicable deadlines prescribed in Section 254.137(a) of this Subpart shall be a violation of this Part and 35 Ill. Adm. Code 201.302(a).

19. Section 211.4370 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.4370, contains the following definition:

“Owner or operator” means any person who owns, operates, leases,

controls, or supervises a source, an emission unit or air pollution control equipment.

20. Section 211.1950 of the Board Air Pollution Regulations, 35 Ill. Adm. Code

211.1950, contains the following definition:

“Emission unit” means any part or activity at a stationary source that emits or has the potential to emit any air pollutant.

21. Section 211.6370 of the Board Air Pollution Regulations, 35 Ill. Adm. Code

211.6370, contains the following definition:

“Stationary source” means any building, structure, facility, or installation that emits or may emit any air pollutant.

22. Section 211.370 of the Board Air Pollution Regulations, 35 Ill. Adm. Code

211.370, contains the following definition:

“Air pollutant” means an air pollution agent or combination of such agents, including any physical, chemical, biological, radioactive (including source material, special nuclear material, and byproduct material) substance or matter which is emitted into or otherwise enters the atmosphere. Such term includes any precursors to the formation of any air pollutant, to the extent that the relevant statute or rule has identified such precursor or precursors for particular purpose for which the term "air pollutant" is used.

23. Equipment operated by Hueber at the Facility emits air pollutants in the form of particulate matter and are “emission units,” as that term is defined in Section 211.1950 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 211.1950.

24. Hueber is the owner or operator of emission sources and units located at the Facility and therefore is required to submit an Annual Emissions Report by May 1 of the year following the calendar year in which the emissions took place.

25. On May 22, 2015, the Illinois EPA received from Hueber its calendar year 2013 and 2014 Annual Emissions Reports.

26. By failing to timely submit Annual Emissions Reports for the calendar years 2013 and 2014, Hueber violated Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.137(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.137(a).

27. By failing to timely submit the 2013 and 2014 Annual Emissions Reports in violation of the Board and Illinois EPA regulations, Hueber has thereby also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2014).

WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Pollution Control Board enter an order against the Respondent, HUEBER, LLC, with respect to Count I:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations contained herein;

2. Finding that Respondent has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2014), Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.137(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.137(a);

3. Ordering the Respondent to cease and desist from future violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2014), Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.137(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.137(a);

4. Assessing a civil penalty, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2014), of Fifty Thousand Dollars (\$50,000.00) against the Respondent for each violation of the Act and pertinent regulations, and an additional civil penalty of Ten Thousand Dollars

(\$10,000.00) for each day of each violation;

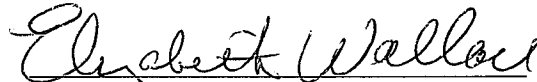
5. Taxing all costs of this action to the Respondents pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2014), including attorney, expert witness, and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as the Board deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS,  
by 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:

JENNIFER A. VAN WIE  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602  
(312) 814-0609

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Complainant,	)	
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v.	)	PCB No. 16-
	)	(Enforcement - Air)
HUEBER, LLC, an Illinois limited liability	)	
company,	)	
	)	
Respondent.	)	

**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, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(c)(2) (2014), moves that the Illinois Pollution Control Board ("Board") grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2014). In support of this motion, Complainant states as follows:

1. The Complaint in this matter alleges violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2014), Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.137(a) of the Illinois Environmental Protection Agency ("Illinois EPA") Air Pollution Regulations, 35 Ill. Adm. Code 254.137(a).
2. Complainant is filing the Complaint with the Board simultaneous with this Motion and a Stipulation and Proposal for Settlement.
3. The parties have reached agreement on all outstanding issues in this matter.
4. This agreement is presented to the Board in a Stipulation and Proposal for Settlement filed this same date.


5. All parties 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) (2014).

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) (2014).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN  
Attorney General  
State of Illinois

BY:   
JENNIFER A. VAN WIE  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602  
(312) 814-0609

DATE: August 28, 2015

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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By LISA MADIGAN, Attorney General	)	
of the State of Illinois,	)	
	)	
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company,	)	
	)	
Respondent.	)	

**STIPULATION AND PROPOSAL FOR SETTLEMENT**

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 HUEBER, LLC (“Respondent”), (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. (2014), 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 August 28, 2015, 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 (2014), 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 (2014).

3. At all times relevant to this Complaint, Respondent Hueber, LLC ("Hueber" or "Respondent"), was and is an Illinois limited liability company in good standing with the Illinois Secretary of State.

4. At all times relevant to the Complaint, Respondent was and is the owner and operator of an animal feed handling and storage facility, located at 110 South Main Street, Creston, Ogle County, Illinois ("Facility").

**B. Allegations of Non-Compliance**

Complainant contends that the Respondent has violated the following provisions of the Act, Board Regulations, and Illinois EPA Regulations:

Count I: Failure to Timely Submit Annual Emission Reports for Calendar Years 2013 and 2014, in violation of Section 9(a) of the Act, 415 ILCS 5/9(a) (2014), Section 201.302(a) of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.302(a), and Section 254.137(a) of the Illinois EPA Air Pollution Regulations, 35 Ill. Adm. Code 254.137(a).

**C. Non-Admission of Violations**

The Respondent neither admits nor denies the violations alleged in the Complaint filed in this matter and referenced herein.

**D. Compliance Activities to Date**

On May 22, 2015, the Illinois EPA received from Hueber its calendar year 2013 and 2014 Annual Emissions Reports.

## **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, Board regulations, and Illinois EPA regulations for all violations alleged in the Complaint in this matter and within Section I.B of this Stipulation, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2014).

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

Section 33(c) of the Act, 415 ILCS 5/33(c) (2014), 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's information gathering responsibilities were hindered by the

Respondent's violations.

2. There is social and economic benefit to the Facility.
3. Operation of the Facility was and is suitable for the area in which it is located.
4. Timely submitting Annual Emissions Reports to the Illinois EPA is both technically practicable and economically reasonable.
5. Respondent submitted to the Illinois EPA Annual Emissions Reports for calendar years 2013 and 2014 in technical resolution of the violations alleged in the Complaint and Section I.B of this Stipulation.

#### **IV. CONSIDERATION OF SECTION 42(h) FACTORS**

Section 42(h) of the Act, 415 ILCS 5/42(h) (2014), 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 agrees 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 failed to timely submit Annual Emissions Reports for calendar years 2013 and 2014. On May 22, 2015, the Respondent submitted Annual Emissions Reports for calendar years 2013 and 2014.
2. Respondent was not diligent in attempting to come back into compliance with the Act, Board regulations, and Illinois EPA regulations.
3. Any economic benefit realized by the Respondent as a result of delayed compliance is minimal.
4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Three Thousand and One Hundred Dollars (\$3,100.00) will serve to deter further violations and aid in future voluntary compliance with the Act, Board regulations, and Illinois EPA violations.
5. To Complainant's knowledge, Respondent has no previously adjudicated violations of the Act, Board regulations, or Illinois EPA regulations.
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 not issued in this matter.

**V. TERMS OF SETTLEMENT**

**A. Penalty Payment**

1. The Respondent shall pay a civil penalty in the sum of Three Thousand and One Hundred Dollars (\$3,100.00) 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:

Jennifer A. Van Wie  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602

**D. Future Compliance**

1. As of the date the Board adopts and accepts this Stipulation, the Respondent shall timely submit complete and accurate AERs to the Illinois EPA.

2. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, shall have the right of entry into and upon the Respondent's facility which is the subject of this Stipulation, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

3. 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, Board regulations, and Illinois EPA regulations.

4. The Respondent shall cease and desist from future violations of the Act, Board regulations, and Illinois EPA regulations that were the subject matter of the Complaint.

**E. Release from Liability**

In consideration of the Respondent's payment of the \$3,100.00 penalty and any accrued interest, its commitment to cease and desist as contained in Section V.D.4 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, Board regulations, and Illinois EPA 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 August 28, 2015. 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.


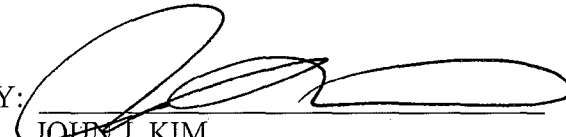
WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

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  
Illinois Environmental Protection Agency

BY:  BY:   
ELIZABETH WALLACE, Chief      JOHN J. KIM  
Assistant Attorney General      Chief Legal Counsel  
Environmental Bureau

DATE: 8/26/15      DATE: 8/20/15

**FOR THE RESPONDENT:**  
HUEBER, LLC

BY: \_\_\_\_\_

Its: \_\_\_\_\_  
Title of Signatory

DATE: \_\_\_\_\_

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

LISA BONNETT, Director  
Illinois Environmental Protection Agency

BY: \_\_\_\_\_  
ELIZABETH WALLACE, Chief  
Assistant Attorney General  
Environmental Bureau

BY: \_\_\_\_\_  
JOHN J. KIM  
Chief Legal Counsel

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_


**FOR THE RESPONDENT:**  
HUEBER, LLC

BY: \_\_\_\_\_  
Its: \_\_\_\_\_  
Title of Signatory

DATE: \_\_\_\_\_  
8/17/15

**CERTIFICATE OF SERVICE**

I, Jennifer A. Van Wie, an Assistant Attorney General, certify that on the 28<sup>th</sup> day of August 2015, I caused to be served to the parties named on the attached Service List as listed in the Service List, the foregoing Complaint, Stipulation and Proposal for Settlement, Motion for Relief from Hearing Requirement and Notice of Filing.

  
\_\_\_\_\_  
Jennifer A. Van Wie  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602  
(312) 814-0609