

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

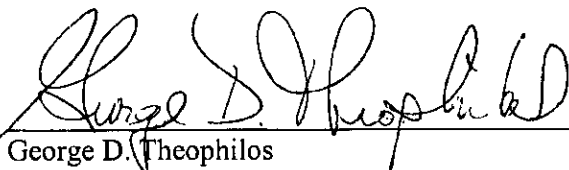
PEOPLE OF THE STATE OF ILLINOIS,)	
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)	
Complainant,)	
)	
)	PCB 2006-143
v.)	
)	(Enforcement - RCRA)
ASTEC MOBILE SCREENS, INC.,)	
a Nevada corporation)	
)	
Respondent.)	

NOTICE OF FILING

To: See attached Service List

PLEASE TAKE NOTICE that on the 26th day of April, 2006, the People of the State of Illinois, filed with the Illinois Pollution Control Board, a **MOTION FOR RELIEF FROM HEARING REQUIREMENT** and a **STIPULATION AND PROPOSAL FOR SETTLEMENT**, true and correct copies of which are attached hereto and is hereby served upon you.

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN, Attorney General
of the State of Illinois

By: 

George D. Theophilos
Assistant Attorney General
Environmental Bureau
188 West Randolph Street, 20th Fl.
Chicago, IL 60601
(312) 814-6986

DATE: April 26, 2006

THIS FILING IS SUBMITTED ON RECYCLED PAPER

SERVICE LIST

Mr. Bradley P. Halloran, Esq.
Hearing Officer
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

Mr. Paul Jagiello Esq.
Illinois Environmental Protection Agency
9511 W. Harrison
DesPlaines, IL 60016

Mr. Tim Gonigam, President
Astec Mobile Screens, Inc.
2704 West Le Fevre Road
Sterling, Illinois 61081

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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MOTION FOR 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 hereby moves for relief from the hearing requirement in this case pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(c)(2) (2004), and Section 103.300 of the Illinois Pollution Control Board ("Board") Procedural Rules, 35 Ill. Adm. Code 103.300. In support of this Motion, the Complainant states as follows:

1. Section 31(c)(2) of the Act allows the parties in certain enforcement cases to request relief from the mandatory hearing requirement where the parties submit to the Board a Stipulation and Proposal for Settlement. Section 31(c)(2) provides as follows:

Notice; complaint; hearing.

* * *

(c)(2) 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).

2. Board Procedural Rule 103.300 provides, in relevant part, as follows (emphasis in original):

Request for Relief from Hearing Requirement in State Enforcement Proceeding.

(a) *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 proposed stipulation and settlement accompanied by a request for relief from the requirement of a hearing pursuant to Section 31(c)(2) of the Act*

3. On March 9, 2006, the Complaint in this matter was filed with the Board.

4. Subsequently, the parties to this action reached agreement on a Stipulation and Proposal For Settlement, which is being filed with the Board concurrently with this motion. No hearing is currently scheduled in this case.

WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, respectfully moves for relief from the requirement of a hearing pursuant to Section 31(c)(2) of the Act and Board Procedural Rule 103.300.

Respectfully submitted,

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

BY:


GEORGE D. THEOPHILOS

Assistant Attorney General
Environmental Bureau/North
188 West Randolph Street, Suite 2001
Chicago, Illinois 60601

312-814-6986

DATE: April 26, 2006

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
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a Nevada corporation)	
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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 ASTEC MOBILE SCREENS, INC. ("Respondent"), 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. The parties agree that the statement of facts contained herein represents a fair summary of the evidence and testimony which would be introduced by the parties if a hearing were held. The parties further stipulate that this statement of facts is made and agreed upon for purposes of settlement only and that neither the fact that a party has entered into this Stipulation, nor any of the facts stipulated herein, shall be introduced into evidence in any other proceeding regarding the claims asserted in the Complaint except as otherwise provided herein. If the Board approves and enters this Stipulation, Respondent agrees to be bound by the Stipulation and Board Order and not to contest their validity in any subsequent proceeding to implement or enforce their terms.

I. JURISDICTION

The Board has jurisdiction of the subject matter herein and of the parties consenting hereto pursuant to the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/1 *et seq.* (2004).

II. AUTHORIZATION

The undersigned representatives for each party 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.

III. STATEMENT OF FACTS

A. Parties

1. On March 1, 2006, 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(2004), 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 (2004).

3. At all times relevant to the Complaint, Respondent was and is a Nevada corporation that is authorized to transact business in the State of Illinois.

B. Site Description

1. At all times relevant to the Complaint, Respondent owned and operated a manufacturing facility located at 2704 West LeFevre Road, Sterling, Whiteside County, Illinois ("facility").

2. Respondent manufactures portable screening units for the gravel industry at its facility.

3. As part of the manufacturing processes at the facility, Respondent conducts spray painting operations.

4. Respondent generates spent spray booth filters, paint booth floor sweepings, and other waste paint related materials as a result of its spray painting operations. Used oil is generated as a result of equipment maintenance and metal fabrication operation at the facility.

5. In 2004, thirty-two drums (approximately 1,760 gallons) of waste paint related material, generated from spray painting operations, were transported off-site. The waste paint related material has United States Environmental Protection Agency ("USEPA") Hazardous Waste Numbers D001 and F003. Additionally, Respondent uses methyl ethyl ketone ("MEK") for a solvent, therefore USEPA Hazardous Waste Number F005 may apply as well. For the spray booth floor sweepings and spent spray booth filters, neither a hazardous waste determination nor generation rates are known. Floor sweepings are disposed of with the municipal waste at the facility. Disposal methods for the spent paint filters are unclear.

6. On April 23, 2004, the Illinois EPA conducted a Compliance Assistance Survey ("CAS") at the Respondent's facility. At that time, approximately 625 gallons of hazardous material

were stored on site. Complainant alleges that the storage area held ten (10) full drums (approximately 550 gallons) of unlabeled, undated, suspected hazardous paint/solvent material. Complainant further alleges that the satellite accumulation area held one (1) full 55-gallon unlabeled, undated container and one (1) partially full, unlabeled, open container.

7. Complainant alleges that the CAS also revealed that: emergency response information was not posted by a telephone; the container storage area was not inspected weekly; employees were not trained in waste handling and emergency procedures; and hazardous waste manifests were not being sent to the Illinois EPA within two (2) working days.

8. After the CAS, the Illinois EPA provided Respondent with a USEPA 8700-12 form and instructions as well as the USEPA publication "Managing Your Hazardous Waste: A Guide for Small Business." On May 27, 2004, the Illinois EPA sent a letter to Respondent with recommendations based on what was observed during the CAS. No response was received by the Illinois EPA to the letter.

9. On December 10, 2004, the Illinois EPA conducted a Compliance Evaluation Inspection ("CEI") of the facility. At the time of the CEI, Complainant alleges that: approximately 165 gallons of hazardous waste paint-related materials were stored at the facility; including two unlabeled, undated 55-gallon drums in the storage area and eight partially full, unlabeled containers in the satellite accumulation area, two of which were open. Complainant further alleges that: three 55-gallon drums of suspected hazardous spray booth filters and one 55-gallon drum of suspected hazardous floor sweepings were also in the storage area; none of these four drums were labeled; the drum of floor sweepings was open and undated; and a hazardous waste determination had not been

made on either material.

10. At the time of the CEI, Complainant alleges only two (2) of the CAS recommendations had been fully addressed by the Respondent. Respondent was now sending one copy of each hazardous waste manifest to the Illinois EPA within two (2) working days and accumulating less than 55-gallons of waste in the satellite area. However, Complainant alleges that none of the other CAS recommendations had been addressed. Additionally, Complainant alleges that the Respondent failed to notify the Illinois EPA of its name change from PEP to Astec and change of contact information.

11. On January 7, 2005, a Violation Notice ("VN") was sent to Respondent by the Illinois EPA.

12. On February 22, 2005, Respondent submitted a compliance commitment agreement ("CCA") to the Illinois EPA. On March 16, 2005, the Illinois EPA rejected the CCA. While the CCA was technically adequate, it was rejected because the facility was considered a significant non-complier.

C. Allegations of Non-Compliance

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

- Count I:** Failure to obtain a RCRA permit for the facility or comply with the hazardous waste generator regulations that would exempt them from such permit requirements, in violation of Section 21(f)(1) of the Act, 415 ILCS 5/21(f)(1)(2004), and Sections 703.121(a) and (b) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 703.121(a) and (b).
- Count II:** Failure to determine whether any of the spent spray booth filters and spray booth floor sweepings are special wastes in violation of Section 808.121(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 808.121(a) and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2)(2004).
- Count III:** Failure to provide hazardous waste determinations for its spent spray booth filters and spray booth floor sweepings in violation of Section 722.111 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 722.111 and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2)(2004).
- Count IV:** Failure to label its used oil in violation of Section 739.122(c)(1) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 739.122(c)(1), and Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2)(2004).
- Count V:** Failure to prepare a certification or treat its industrial process waste as special waste as required by Section 22.48(a) of the Act, 415 ILCS 5/22.48(a)(2004).

D. Admission of Violations

The Respondent neither admits nor denies the violation(s) alleged in the Complaint filed in this matter and referenced herein.

IV. APPLICABILITY

This Stipulation shall apply to and be binding upon the Complainant and the Respondent, and any officer, director, agent, or employee of the Respondent, as well as any successors or assigns of the Respondent. 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.

V. COMPLIANCE WITH OTHER LAWS AND REGULATIONS

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, 35 Ill. Adm. Code, Subtitles A through H.

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

Section 33(c) of the Act, 415 ILCS 5/33(c)(2004), 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 state the following:

1. Complainant asserts that human health and the environment were threatened and the Illinois EPA's information gathering responsibilities hindered by the Respondent's violations.
2. There is social and economic benefit to the facility.
3. Operation of the facility was suitable for the area in which it occurred.
4. Complying with the hazardous waste generator regulations, that would exempt Respondent from the RCRA permit requirement, is both technically practicable and economically reasonable for Respondent's operations.
5. Respondent has subsequently complied with the Act and the Board Regulations.

VII. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h)(2004), 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; and
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.

In response to these factors, the parties state as follows:

1. Complainant asserts that the Respondent failed: (i) to obtain a RCRA permit for the facility or, alternatively, to comply with the hazardous waste generator regulations that would exempt it from such permit requirements; (ii) to determine whether any of the spent spray booth filters and spray booth floor sweepings are special wastes; (iii) to provide hazardous waste determinations for its spent spray booth filters and spray booth floor sweepings; (iv) to label its used oil; and (v) to prepare a certification or treat its industrial process waste as special waste. The violations began on or around at least April 23, 2004, and were individually resolved at various times.

2. Respondent was reasonably diligent in attempting to come back into compliance with the Act, Board regulations and applicable federal regulations, once the Illinois EPA notified it of its noncompliance.

3. Complainant asserts that Respondent obtained an economic benefit as a result of Respondent's failure to obtain a RCRA permit for the facility or comply with the hazardous waste generator regulations that would exempt it from such permit requirements; to determine whether any of the spent spray booth filters and spray booth floor sweepings are special wastes; to provide hazardous waste determinations for its spent spray booth filters and spray booth floor sweepings; to

label its used oil; and failed to prepare a certification or treat its industrial process waste as special waste. However, the penalty payment obtained negates the economic benefit accrued.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Thirteen Thousand Dollars (\$13,000.00) 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.

VIII. TERMS OF SETTLEMENT

A. Penalty Payment

1. The Respondent shall pay a civil penalty in the sum of Thirteen Thousand Dollars (\$13,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation. The Respondent stipulates that payment has been tendered to Respondent's attorney of record in this matter in a form acceptable to that attorney. Further, Respondent stipulates that said attorney has been directed to make the penalty payment on behalf of Respondent, within thirty (30) days from the date the Board adopts and accepts this Stipulation, in a manner prescribed below. The penalty described in this Stipulation shall be paid by certified check, money order or electronic funds transfer

payable to the Illinois EPA, designated to the Illinois Environmental Protection Trust Fund and submitted to:

Illinois Environmental Protection Agency
Fiscal Services Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

The name and number of the case and Respondent's Federal Employer Identification Number (FEIN) shall appear on the check. A copy of the certified check, money order or record of electronic funds transfer and any transmittal letter shall be sent to:

George D. Theophilos
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601

AND

Paul Jagiello
Assistant Counsel
Illinois EPA
9511 West Harrison
Des Plaines, IL 60016

2. Pursuant to Section 42(g) of the Act, 415 ILCS 5/42(g) (2004), interest shall accrue on any payment not paid within the time period prescribed above at the maximum rate allowable under Section 1003(a) of the Illinois Income Tax Act, 35 ILCS 5/1003 (2004). Interest on any unpaid payment shall begin to accrue from the date the payment is due and continue to accrue until the date payment is received. When partial payment(s) are made, such partial payment shall be first applied to any interest on unpaid payment then due and owing. All interest on payment owed shall

be paid by certified check, money order or electronic funds transfer, payable to the Illinois EPA, designated to the Illinois Environmental Protection Trust Fund and delivered to the address and in the manner described above.

3. For purposes of payment and collection, Respondent may be reached at the following address:

Mr. Tim Gonigam
President
Astec Mobile Screens, Inc.
2704 West Le Fevre Road
Sterling, Illinois 61081

4. In the event of default of this Section VIII.A, the Complainant shall be entitled to all available relief including, but not limited to, reasonable costs of collection and reasonable attorney's fees.

B. Future Use

Notwithstanding any other language in this Stipulation to the contrary, and in consideration of the mutual promises and conditions contained in this Stipulation, including the Release from Liability contained in Section VIII.D, below, the Respondent hereby agrees that 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 promulgated thereunder for all violations alleged in the Complaint in this matter, for purposes of Section 39(a) and (i) and/or 42(h) of the Act, 415 ILCS 5/39(a) and(i) and/or 5/42(h)(2004). Further, Respondent agrees to

waive any rights to contest, in any subsequent enforcement action or permit proceeding, any allegations that these alleged violations were adjudicated.

C. Cease and Desist

The Respondent shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint as outlined in Section III.C ("Allegations of Non-Compliance") of this Stipulation.

D. Release from Liability

In consideration of the Respondent's payment of the \$13,000.00 penalty and any specified costs and accrued interest, to Cease and Desist as contained in Section VIII.C and upon the Pollution Control Board's acceptance and approval of the terms of this Stipulation and Proposal for Settlement, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for 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 March 1, 2006. 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 or the Illinois EPA 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.

E. Right of Entry

In addition to any other authority, the Illinois EPA, its employees and representatives, and the Attorney General, her agents 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 carrying out inspections. 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.

F. Correspondence, Reports and Other Documents

Any and all correspondence, reports and any other documents required under this Stipulation, except for payments pursuant to Sections VIII.A ("Penalty Payment") of this Stipulation shall be submitted as follows:

As to the Complainant

George D. Theophilos
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601

AND
Paul Jagiello
Illinois EPA
Assistant Counsel
Illinois EPA
9511 West Harrison
Des Plaines, IL 60016

As to the Respondent

Mr. Tim Gonigam
President
Astec Mobile Screens, Inc.
2704 West Le Fevre Road
Sterling, Illinois 61081

G. Modification of Stipulation

The parties may, by mutual written consent, agree to modify the terms of this Stipulation. A request for any modification shall be made in writing and submitted to the contact persons identified in Section VIII.F. Any such request shall be made by separate document, and shall not be submitted within any other report or submittal required by this Stipulation. Any such agreed modification shall be in writing, signed by authorized representatives of each party, and then accompany a joint motion to the Illinois Pollution Control Board seeking a modification of the prior order approving and accepting the Stipulation to approve and accept the Stipulation as amended.

H. Enforcement of Board Order

1. Upon the entry of the Board's Order approving and accepting this Stipulation and Proposal for Settlement, that Order is a binding and enforceable order of the Illinois Pollution Control Board and may be enforced as such through any and all available means.

2. Respondent agrees that notice of any subsequent proceeding to enforce the Board Order approving and accepting this Stipulation and Proposal for Settlement may be made by mail and waives any requirement of service of process.

3. The parties agree that, if the Board does not approve and accept this Stipulation and Proposal for Settlement, then neither party is bound by the terms herein.

4. It is the intent of the Complainant and Respondent that the provisions of this Stipulation and Proposal for Settlement and any Board Order accepting and approving such shall be severable, and should any provision be declared by a court of competent jurisdiction to be inconsistent with state or federal law, and therefore unenforceable, the remaining clauses shall remain in full force and effect.

I. Execution of Document

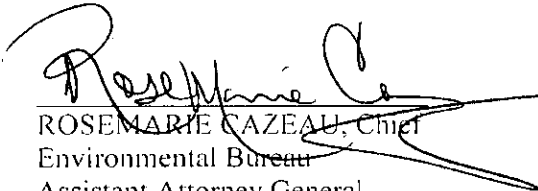
This Stipulation and Proposal for Settlement shall become effective only when executed by all parties and approved by the Board. This Stipulation and Proposal for Settlement may be executed by the parties in one or more counterparts, all of which taken together, shall constitute one and the same instrument.

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

PEOPLE OF THE STATE OF ILLINOIS.

LISA MADIGAN
Attorney General
State of Illinois

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

BY:  DATE: 4/7/06
ROSEMARIE GAZEAU, Chief
Environmental Bureau
Assistant Attorney General

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

BY:  DATE: 4/1/06
ROBERT A. MESSINA
Chief Legal Counsel

ASTECC MOBILE SCREENS, INC.

BY: Tim Gonigam

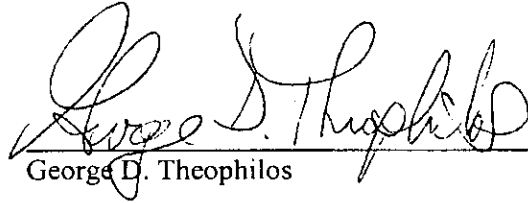
DATE: 3-30-06

Name: Tim Gonigam

Title: President

CERTIFICATE OF SERVICE

I, George D. Theophilos, an Assistant Attorney General, do certify that I caused to be mailed, this 26th day of April, 2006, the foregoing **MOTION FOR RELIEF FROM HEARING REQUIREMENT** and **STIPULATION AND PROPOSAL FOR SETTLEMENT** to the persons listed on said Service List by first class mail in a postage pre-paid envelope and depositing same with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601.


George D. Theophilos