

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF)
 ILLINOIS,)
)
 Complainant,)
)
 vs.)
)
 CLINTON LANDFILL, INC.,)
 an Illinois corporation,)
)
 Respondent.)

**PCB No. 10-
(Enforcement)**

NOTICE OF ELECTRONIC FILING

To: See Attached Service List

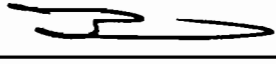
PLEASE TAKE NOTICE that on September 8, 2010, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, a COMPLAINT, MOTION FOR RELIEF FROM HEARING REQUIREMENT and STIPULATION AND PROPOSAL FOR SETTLEMENT, copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,
Attorney General of the
State of Illinois

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

BY: 

 Thomas Davis, Chief
 Assistant Attorney General
 Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: September 9, 2010

CERTIFICATE OF SERVICE

I hereby certify that I did on September 9, 2010, cause to be served by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the following instruments entitled NOTICE OF ELECTRONIC FILING, COMPLAINT, MOTION FOR RELIEF FROM HEARING REQUIREMENT and STIPULATION AND PROPOSAL FOR SETTLEMENT upon the persons listed on the Service List.



Thomas Davis, Chief
Assistant Attorney General

This filing is submitted on recycled paper.

SERVICE LIST

Brian Meginnes
Attorney at Law
416 Main Street, Suite 1400
Peoria, IL 61602-1611

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, IL 62794

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
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Complainant,)	
)	
vs.)	PCB No. 10-
)	(Enforcement)
CLINTON LANDFILL, INC.,)	
an Illinois corporation,)	
)	
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) (2008), moves that the Illinois Pollution Control 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) (2008). In support of this motion, Complainant states as follows:

1. A Complaint is simultaneously filed with the Illinois Pollution Control Board ("Board") in this matter.
1. The parties have reached agreement on all outstanding issues in this matter.
2. This agreement is presented to the Board in a Stipulation and Proposal for Settlement, filed contemporaneously with this motion.
3. 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) (2008).

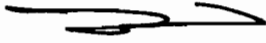
WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2008).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
LISA MADIGAN
ATTORNEY GENERAL

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

BY: _____


Thomas Davis, Chief
Environmental Bureau
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: September 9, 2010

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
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Complainant,)	
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)	
Respondent.)	

COMPLAINT

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, complains of the Respondent, CLINTON LANDFILL, INC., an Illinois corporation, as follows:

COUNT I
AIR POLLUTION VIOLATIONS

1. This count is brought on behalf of the People of the State of Illinois, by LISA MADIGAN, the 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 (“the Act”), 415 ILCS 5/31 (2008).

2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2008), and charged, *inter alia*, with the duty of enforcing the Act, including the regulation through its permit programs of the operations and control of air emissions from Municipal Solid Waste Landfill Units.

3. Clinton Landfill, Inc. is an Illinois corporation and the owner and operator of the

Clinton Landfill.

4. The Clinton Landfill is located near the City of Clinton in DeWitt County, Illinois, and is a "sanitary landfill" as that term is defined in Section 3.445 of the Act, 415 ILCS 5/3.445 (2008).

5. Section 9(a) of the Act, 415 ILCS 5/9(a) (2008), provides, in pertinent part, 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;

* * *

6. "Air pollution" is defined as follows in Section 3.115 of the Act., 415 ILCS 5/3.115 (2008):

"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.

7. Section 21 of the Act, 415 ILCS 5/21 (2008), provides, in pertinent part, as follows:

No person shall:

* * *

- (d) Conduct any waste-storage, waste-treatment, or waste-disposal operation:

- (1) without a permit granted by the Agency or in violation of any conditions imposed by such permit. . . .
- (2) in violation of any regulations or standards adopted by the Board under this Act;

* * *

- (o) Conduct a sanitary landfill operation which is required to have a permit under subsection (d) of this Section, in a manner which results in any of the following conditions:

* * *

- (5) uncovered refuse remaining from any previous operating day or at the conclusion of any operating day, unless authorized by permit;

* * *

8. Section 811.106(a) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code

811.106(a), provides as follows:

- a) A uniform layer of at least 0.15 meter (six inches) of clean soil material must be placed on all exposed waste by the end of each day of operation.

9. Section 811.311 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code

811.311, provides in pertinent part as follows:

- a) The operator shall install a gas management system if any one of the following conditions are met:

* * *

- 3) Malodors caused by the unit are detected beyond the property boundary;

* * *

- d) Standards for Gas Collection Systems

* * *

- 2) The operator shall design and operate the system so that the standards of

subsections (a)(1), (a)(2), and (a)(3) will not be exceeded.

* * *

- 12) The gas collection system shall be equipped with a mechanical device, such as a compressor, capable of withdrawing gas, or be designed so that a mechanical device can be easily installed at a later time, if necessary, to meet the requirements of subsections (a)(1), (a)(2), and (a)(3).

* * *

10. Section 811.312(c) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 811.312(c), provides as follows:

- c) No gas may be discharged directly to the atmosphere unless treated or burned onsite prior to discharge in accordance with a permit issued by the Agency pursuant to 35 Ill. Adm. Code 200 through 245.

11. The Respondent installed a gas management system at the Clinton Landfill to collect methane for energy recovery.

12. On numerous occasions, beginning in April 2009 and continuing through January 2010, the Respondent caused or allowed offensive and malodorous emissions of landfill gas from the Clinton Landfill. These inadequately controlled emissions unreasonably interfered with the enjoyment of life and property by neighboring residents by preventing or disrupting outdoor activities, and by invading or penetrating their homes and disrupting indoor activities.

13. During several inspections since April 2009, the Illinois EPA determined that the Clinton Landfill is the primary source of the offensive and malodorous emissions of landfill gas.

14. By causing or allowing the emissions of offensive and malodorous landfill gas from the Clinton Landfill to unreasonably interfere with the use and enjoyment of the neighbors' property, the Respondent caused air pollution and an odor nuisance, thereby violating Section

9(a) of the Act, 415 ILCS 5/9(a) (2008).

15. By operating the gas management system at the Clinton Landfill so that malodors caused by the unit are detected beyond the property boundary, the Respondent violated Sections 811.311(d)(2) and 811.312(c) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 811.311(d)(2) and 811.312(c), and thereby also violated Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2008).

PRAYER FOR RELIEF

WHEREFORE, the Complainant, the People of the State of Illinois, respectfully requests that this Board enter an Order against Respondent, CLINTON LANDFILL, INC.:

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

B. Finding that the Respondent has violated Section 9(a) of the Act, 415 ILCS 9(a) (2008), and the regulations as alleged herein;

C. Pursuant to Section 42 of the Act, 415 ILCS 5/42 (2008), impose upon the Respondent a monetary penalty of not more than the statutory maximum; and

D. Grant such other and further relief as the Board deems appropriate.

COUNT II
DAILY COVER VIOLATIONS

1-13. The Complainant realleges and incorporates by reference paragraphs 1 through 13 of Count I as if fully set forth herein as paragraphs 1 through 13 of this Count II.

14. On December 3, 2009 the Illinois EPA documented a lack of adequate daily cover on wastes at the Clinton Landfill.

15. By failing to provide an adequate amount of clean soil material on all exposed waste by the end of each day of operation, the Respondent violated Section 811.106(a) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 811.106(a), and thereby also violated Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2008).

PRAYER FOR RELIEF

WHEREFORE, the Complainant, the People of the State of Illinois, respectfully requests that this Board enter an Order against Respondent, CLINTON LANDFILL, INC.:

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

B. Finding that the Respondent has violated Section 21(d)(2) of the Act, 415 ILCS 21(d)(2) (2008), and the regulations as alleged herein;

C. Pursuant to Section 42 of the Act, 415 ILCS 5/42 (2008), impose upon the Respondent a monetary penalty of not more than the statutory maximum; and

D. Grant such other and further relief as the Board deems appropriate.

COUNT III
PERMIT VIOLATIONS

1-13. The Complainant realleges and incorporates by reference paragraphs 1 through 13 of Count I as if fully set forth herein as paragraphs 1 through 13 of this Count III.

14. The Respondent is operating the Clinton Landfill pursuant to permits issued by the Illinois EPA, requiring *inter alia* the appropriate management of landfill gas so as to prevent adverse off-site impacts.

15. By causing or allowing the emissions of offensive and malodorous landfill gas

from the Clinton Landfill to unreasonably interfere with the use and enjoyment of the neighbors' property, the Respondent caused air pollution and an odor nuisance, and violated the terms and conditions of its permit, and thereby also violated Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1) (2008).

PRAYER FOR RELIEF

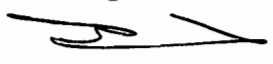
WHEREFORE, the Complainant, the People of the State of Illinois, respectfully requests that this Board enter an Order against Respondent, CLINTON LANDFILL, INC.:

- A. Authorizing a hearing in this matter at which time this Respondent will be required to answer the allegations herein;
- B. Finding that the Respondent has violated Section 21(d)(1) of the Act, 415 ILCS 21(d)(1) (2008), and the regulations as alleged herein;
- C. Pursuant to Section 42 of the Act, 415 ILCS 5/42 (2008), impose upon the Respondent a monetary penalty of not more than the statutory maximum; and
- D. Grant such other and further relief as the Board deems appropriate.

Respectfully submitted,

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

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

BY: 
THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

Attorney Reg. No. 3124200

500 South Second Street

Springfield, Illinois 62706

217/782-9031

Dated: September 8, 2010

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
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Complainant,)	
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v.)	PCB No. 10-
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CLINTON LANDFILL, INC.,)	
an Illinois 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 CLINTON LANDFILL, INC., (“Respondent”) (“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.* (2008), 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. Contemporaneously with this Stipulation, 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 (2008), 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 (2008).

3. At all times relevant to the Complaint, Respondent was and is an Illinois corporation that is authorized to transact business in the State of Illinois. At all times relevant to the Complaint, Respondent owned and operated a landfill located at Clinton, DeWitt County, Illinois.

B. Allegations of Non-Compliance

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

Count I: By causing or allowing the emissions of offensive and malodorous landfill gas from the Clinton Landfill, the Respondent caused air pollution and an odor nuisance, thereby violating Section 9(a) of the Act, 415 ILCS 5/9(a) (2008), Sections 811.311(d)(2) and 811.312(c) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 811.311(d)(2) and 811.312(c), and Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2008).

Count II: By failing to provide an adequate amount of clean soil material (one day only) on all exposed waste by the end of each day of operation, the Respondent violated Section 811.106(a) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 811.106(a), and thereby also violated Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2) (2008).

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

The Respondent has implemented additional odor control measures at the landfill, including periodic onsite odor monitoring and upgrades to the well field collection system to capture fugitive emissions and neutralize malodors. In addition, Respondent installed Flare No. 2 which became operational on June 24, 2010.

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 (2008).

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

Section 33(c) of the Act, 415 ILCS 5/33(c)(2008), 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. Neighboring residents have complained that the emissions of offensive and malodorous landfill gas from the Clinton Landfill have interfered with their enjoyment of life and property.
2. There is social and economic benefit to the facility.
3. Operation of the facility is suitable for the area in which it occurred.
4. Compliance with the permit terms is 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)(2008), 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 to the Stipulation state as follows:

1. Neighboring residents have complained, on numerous occasions since April 2009, about the emissions of offensive and malodorous landfill gas from the Clinton Landfill.
2. Respondent was diligent in attempting to come back into compliance with the Act and Board regulations.
3. No economic benefits have been accrued.
4. Complainant has determined, based upon the specific facts of this matter, that a penalty of \$10,000.00 will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.
5. Respondent was previously adjudicated in violation of the Act in PCB 04-211.
6. Self-disclosure is not at issue in this matter.
7. The settlement of this matter does include a supplemental environmental project consisting of landfill disposal services.

V. TERMS OF SETTLEMENT

A. Penalty Payment

1. The Respondent shall pay a civil penalty in the sum of Ten Thousand Dollars (\$10,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

B. Stipulated Penalties, 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

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, IL 62794-9276

The name, case number and the Respondent's federal tax identification number shall appear on the face of the certified check or money order. A copy of the certified check or money order and any transmittal letter shall be sent to:

Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706

D. Future Compliance

1. The Respondent shall operate the landfill gas management system in strict compliance with its IEPA Permit.

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 and the Board Regulations.

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

E. Supplemental Environmental Project

1. In order to promote the goals of the Act to restore, protect and enhance the quality of the environment, Respondent shall perform the following supplemental environmental project

("SEP"). The settlement value of the SEP is Thirty Thousand Dollars (\$30,000.00) and will offset penalties sought by the Complainant and the Illinois EPA in this matter. The Parties to the Stipulation agree that this SEP consists of waste disposal services as follows:

a. Respondent shall provide the Complainant with a total of 2,000 tons of Landfill Capacity for the disposal of non-hazardous special waste and/or municipal solid waste at the Clinton Landfill or any other permitted landfill operated by Respondent.

b. Complainant shall notify Respondent that it intends to utilize any portion of the Landfill Capacity at least 10 business days prior to the date it will be needed. The Respondent and the Complainant shall review the subject waste to determine the acceptability of the waste into the landfill in accordance with federal, state and local rules and regulations. All waste pre-acceptance conditions in Respondent's IEPA Permit shall be complied with to the satisfaction of the Respondent.

c. Upon disposal of any SEP waste, Respondent shall prepare a gate receipt evidencing the amount of waste received and the date of receipt. Copies of all of the receipts shall be forwarded to:

Paul M. Purseglove, Manager
Illinois EPA Field Operations Section
1021 North Grand Ave East
P.O. Box 19276
Springfield, Illinois 62794-9276

d. Complainant shall utilize the Landfill Capacity within five years from the date of a Board Order accepting this Stipulation.

2. Upon completion of the SEP, the Respondent shall submit a project completion report, including a summary of all services, to the contact persons identified in Section V.G for review and confirmation that the SEP was performed pursuant to this Stipulation. The project

completion report shall include the following certification by a responsible corporate official of the Respondent:

I certify under penalty of law that this document was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted based on my inquiry of those persons directly responsible for gathering the information, and that the information submitted in or accompanying this notification of final compliance is to the best of my knowledge true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and or imprisonment for knowing violations.

3. By signature on this Stipulation, the Respondent certifies that, as of the date of entry of this Order, it is not required to perform or develop the foregoing SEP by any federal, state or local law or regulation, nor is it required to perform or develop the SEP by agreement or injunctive relief in any other case. The Respondent further certifies that it has not received, and is not presently negotiating to receive credit for, the SEP in any other enforcement action.

4. Any public statement, oral or written, in print, film or other media, made by the Respondent making reference to any SEP shall include the following language: "This project was undertaken in connection with the settlement of an enforcement action taken by the Illinois Attorney General and the Illinois EPA for alleged violations of the Illinois Environmental Protection Act and regulations promulgated thereunder."

F. Release from Liability

In consideration of the Respondent's payment of the \$10,000.00 penalty, its commitment to cease and desist as contained in Section V.D. above, its performance of the SEP as contained in Section V.E. above, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondent and its directors, officers, agents and employees 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. 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 and its directors, officers, agents and employees.

G. Correspondence, Reports and Other Documents

Any and all correspondence, reports and any other documents required under this Stipulation, except for penalty payments, shall be submitted as follows:

As to the Complainant

Thomas Davis
Assistant Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62702

Kyle Davis
Assistant Counsel
Illinois EPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

As to the Respondent

Brian Meginnes
Attorney at Law
416 Main Street, Suite 1400
Peoria, Illinois 61602-1611

H. Enforcement and Modification of Stipulation

1. 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.

2. The Parties to the Stipulation may, by mutual written consent, agree to extend any compliance dates or 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 V.G. 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 the Parties to the Stipulation.

I. Execution of Stipulation

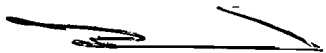
The undersigned representatives for the Parties to the Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

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

LISA MADIGAN
Attorney General
State of Illinois


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

BY: 
THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

DATE: 9/03/10

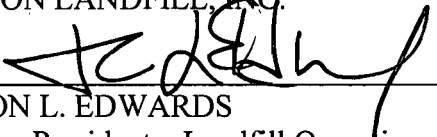
ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

DOUGLAS P. SCOTT, Director
Illinois Environmental Protection Agency

BY: 
JOHN J. KIM
Chief Legal Counsel

DATE: 9/7/10

CLINTON LANDFILL, INC.

BY: 
RON L. EDWARDS
Vice President - Landfill Operations

DATE: 9/2/2010

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