

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>vs.</b>	)	<b>PCB No. 13-</b>
	)	<b>(Enforcement - Land)</b>
<b>INFO CORNER MATERAILS, INC.,</b>	)	
<b>an Illinois corporation,</b>	)	
	)	
<b>Respondent.</b>	)	

**NOTICE OF ELECTRONIC FILING**

To: See Attached Service List

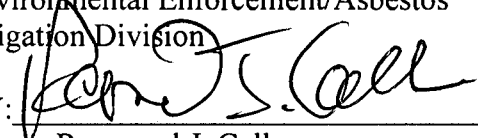
PLEASE TAKE NOTICE that on January 2, 2013, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, c/o John T. Therriault, Assistant Clerk, James R. Thompson Center, 100 W. Randolph St., Ste. 11-500, Chicago, IL 60601, a COMPLAINT, MOTION FOR RELIEF FROM HEARING 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:   
Raymond J. Callery  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: January 2, 2013

**CERTIFICATE OF SERVICE**

I hereby certify that I did on January 2, 2013, 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.



Raymond J. Callery  
Assistant Attorney General

**SERVICE LIST**

Info Corner Materials, Inc.  
Attn: Todd Donley, V.P.  
P.O. Box 13  
8998 West Outer Road  
Williamsville, IL 62693-0013

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
<b>By LISA MADIGAN, Attorney</b>	)	
<b>General of the State of Illinois,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>-vs-</b>	)	<b>PCB No. 13-</b>
	)	<b>(Enforcement – Land)</b>
<b>INFO CORNER MATERIALS, INC.,</b>	)	
<b>an Illinois corporation,</b>	)	
	)	
<b>Respondent.</b>	)	

**COMPLAINT**

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of the Respondent, INFO CORNER MATERIALS, INC., an Illinois corporation, as follows:

**COUNT I**  
**OPEN DUMPING**

1. This Complaint 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 ("Act"), 415 ILCS 5/31 (2010).

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 (2010), and charged, *inter alia*, with the duty of enforcing the Act.

3. The Respondent is an Illinois corporation in good standing.

4. At all times alleged herein, the Respondent was the owner and operator of a facility located on Bachmann Drive, north of the junction of North Dirksen Parkway and Peoria Road, in Springfield Township, Sangamon County, Illinois (the "Facility").

5. The Facility is used for the storage of clean construction or demolition debris, mainly broken concrete, which is ground into aggregate for re-use.

6. On June 16, 2011, Illinois EPA inspected the Facility and observed that painted concrete which had been noted during a previous inspection was still present. Along the south side of the Facility, metals, wood sheets and broken concrete were observed on a steep slope. Wood sheets were also floating on some ponded water at the base of the slope.

7. Located in the central eastern portion of the Facility was a pile of ground up glass or "cullet". The pile was approximately 150 feet long and ranged in width from 132 feet down to 20 feet. The depth of the pile of broken glass ranged from thin surface cover to five to six feet. The total volume of the pile was approximately 493 cubic yards.

8. On September 25, 2012, the Illinois EPA re-inspected the Facility. The majority of the waste had been removed. Thin layers of cullet did remain around the edges of the former cullet pile.

9. On October 11, 2012, the Illinois EPA re-inspected the Facility. The remaining waste had been removed.

10. Section 3.305 of the Act, 415 ILCS 5/3.305 (2010), provides as follows:

"Open dumping" means the consolidation of refuse from one or more sources at a disposal site that does not fulfill the requirements of a sanitary landfill.

11. Section 3.385 of the Act, 415 ILCS 5/3.385 (2010), provides as follows:

"Refuse" means waste.

12. Section 3.445 of the Act, 415 ILCS 5/3.445 (2010), provides as follows:

"Sanitary landfill" means a facility permitted by the Agency for the disposal of waste on land meeting the requirements of the Resource Conservation and Recovery Act, P.L. 94-580, and regulations thereunder, and without creating nuisances or hazards to public health or safety, by confining the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day's operation, or by such other methods and intervals as the Board may provide by regulation.

\* \* \*

13. The Respondent's facility is not permitted by Illinois EPA as a "sanitary landfill," as that term is defined under Section 3.445 of the Act, 415 ILCS 5/3.445 (2010), nor does the Facility meet the sanitary landfill requirements of the Act and its regulations.

14. Section 3.535 of the Act, 415 ILCS 5/3.535 (2010), provides, in pertinent part, as follows:

"Waste" means any garbage . . . or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, . . .

\* \* \*

15. Section 21 of the Act, 415 ILCS 5/21 (2010), provides, in pertinent part, as follows:

No person shall:

- a. Cause or allow the open dumping of any waste.

\* \* \*

- 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, . . .

\* \* \*

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

\* \* \*

- p. In violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site:

- (1) litter;

\* \* \*

- (4) deposition of waste in standing or flowing waters;

\* \* \*

16. By causing or allowing the open dumping of waste, the Respondent violated Section 21(a) of the Act, 415 ILCS 5/21(a) (2010).

17. By causing or allowing the open dumping of waste in a manner which has resulted in litter at or from the dump site, the Respondent violated Section 21(p)(1) of the Act, 415 ILCS 5/21(p)(1) (2010).

18. By causing or allowing the open dumping of waste in a manner which has resulted in the deposition of waste in standing or flowing waters at the dump site, the Respondent

violated Section 21(p)(4) of the Act, 415 ILCS 5/21(p)(4) (2010).

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, INFO CORNER MATERIALS, INC.:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding the Respondent has violated the Act and the regulations as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2010) imposing a civil penalty of not more than the statutory maximum; and
- E. Granting such other relief as the Board may deem appropriate.

**COUNT II**  
**UNPERMITTED WASTE STORAGE AND DISPOSAL**

1-15. Complainant realleges and incorporates by reference herein paragraphs 1 through 15 of Count I as paragraphs 1 through 15 of this Count II.

16. Section 812.101(a) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 812.101(a), provides as follows:

- a) All persons, except those specifically exempted by Section 21(d) of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1991, ch. 111 ½, par. 1021(d)) shall submit to the Agency an application for a permit to develop and operate a landfill. The application must contain the information required by this Subpart and by Section 39(a) of the Act, except as otherwise provided in 35 Ill. Adm.



Code 817.

\* \* \*

17. By conducting a waste-storage or waste-disposal operation at the Facility without a permit granted by the Illinois EPA, the Respondent violated Section 21(d)(1) of the Act, 415 ILCS 21(d)(1) (2010) and Section 812.101(a) of the Board's Land Pollution Regulations, 35 Ill. Adm. Code 812.101(a).

18. By disposing or storing waste at a site, or transporting waste for disposal or storage to a site, when such site does not meet the requirements of the Act and of the standards and regulations promulgated thereunder, the Respondent violated of Sections 21(d)(2) and 21(e) of the Act, 415 ILCS 21(d)(2) and (e) (2010).

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, INFO CORNER MATERIALS, INC.:

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

B. Finding the Respondent has violated the Act and the regulations as alleged herein;

C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2010) imposing a civil penalty of not more than the statutory maximum; and

E. Granting such other relief as the Board may deem appropriate.

Respectfully submitted,

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

MATTHEW J. DUNN, Chief  
Environmental Enforcement Division

BY: 

THOMAS DAVIS, Chief  
Environmental Bureau  
Assistant Attorney General

Of Counsel  
RAYMOND J. CALLERY  
Assistant Attorney General  
Environmental Bureau/Springfield  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

Date: January 2, 2013.

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
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<b>Complainant,</b>	)	
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v.	)	<b>PCB NO. 13-</b>
	)	<b>(Enforcement-Land)</b>
	)	
<b>INFO CORNER MATERIALS, INC.,</b>	)	
<b>an Illinois corporation,</b>	)	
	)	
<b>Respondent.</b>	)	

**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) (2010), 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) (2010). In support of this motion, Complainant states as follows:


1. A Complaint and Stipulation and Proposal for Settlement are being filed simultaneously with the Illinois Pollution Control Board ("Board") in this matter.
2. The parties have reached agreement on all outstanding issues in this matter.
3. This agreement is presented to the Board in a Stipulation and Proposal for Settlement, filed contemporaneously with this motion.
4. 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) (2010).

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) (2010).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS  
LISA MADIGAN  
ATTORNEY GENERAL

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

BY:   
RAYMOND J. CALLERY  
Environmental Bureau  
Assistant Attorney General

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: January 2, 2013

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<b>By LISA MADIGAN, Attorney</b>	)	
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<b>Complainant,</b>	)	
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<b>-vs-</b>	)	<b>PCB No. 13-</b>
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<b>INFO CORNER MATERIALS, INC.,</b>	)	
<b>an Illinois corporation,</b>	)	
	)	
<b>Respondent.</b>	)	

**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 INFO CORNER MATERIALS, INC., an Illinois corporation (“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.* (2010), 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. 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 (2010), and charged, *inter alia*, with the duty of enforcing the Act.

2. The Respondent is an Illinois corporation in good standing.

3. At all times alleged herein, the Respondent was the owner and operator of a facility located on Bachmann Drive, north of the junction of North Dirksen Parkway and Peoria Road, in Springfield Township, Sangamon County, Illinois (the "Facility").

4. The Facility is used for the storage of clean construction or demolition debris, mainly broken concrete, which is ground into aggregate for re-use.

5. On June 16, 2011, Illinois EPA inspected the Facility and observed that painted concrete which had been noted during a previous inspection was still present. Along the south side of the Facility, metals, wood sheets and broken concrete were observed on a steep slope. Wood sheets were also floating on some ponded water at the base of the slope.

6. Located in the central eastern portion of the Facility was a pile of ground up glass or "cullet". The pile was approximately 150 feet long and ranged in width from 132 feet down to 20 feet. The depth of the pile of broken glass ranged from thin surface cover to five to six feet. The total volume of the pile was approximately 493 cubic yards.

7. On September 25, 2012, the Illinois EPA re-inspected the Facility. The majority of the waste had been removed. Thin layers of cullet did remain around the edges of the former cullet pile.

8. On October 11, 2012, the Illinois EPA re-inspected the Facility. The remaining waste had been removed.

**B. Allegations of Non-Compliance**

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

Count I: Open Dumping

415 ILCS 5/21(a)  
415 ILCS 5/21(p)(1)  
415 ILCS 5/21(p)(4)

Count II: Unpermitted Waste  
Storage and Disposal

415 ILCS 5/21(d)(1)  
415 ILCS 5/21(d)(2)  
415 ILCS 5/21(e)  
35 Ill. Adm. Code 812.101(a)

**C. Admission of Violations**

The Respondent admits to the violations alleged in the Complaint filed in this matter and referenced within Section I.B herein.

**D. Compliance Activities to Date**

At the time of the September 25, 2012 inspection of the Facility, the majority of waste had been removed; however, thin layers of cullet remained around the edges of the former cullet pile. As of October 11, 2012, the remaining waste had been removed. Respondent provided the Illinois EPA with waste disposal records.

**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 (2010).

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

Section 33(c) of the Act, 415 ILCS 5/33(c) (2010), 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. Improper disposal of painted concrete, metals, wood sheets and ground up glass or cullet poses a risk to the environment.
2. There is social and economic benefit to the operation of Respondent's business at the Facility.
3. Operation of Respondent's business was suitable for the area in which it occurred.
4. Proper disposal of the painted concrete, metals, wood sheets and ground up glass or cullet was both technically practicable and economically reasonable.



5. Respondent has subsequently complied with the Act and the Board Regulations.

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

Section 42(h) of the Act, 415 ILCS 5/42(h) (2012), 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's failure to properly dispose of painted concrete, metals, wood

sheets and ground up glass or cullet was a major deviation from the requirements of the Act. The violations resulted in potential harm to the environment. The violations first observed on June 16, 2011 were not resolved until October 11, 2012.

2. Respondent was less than diligent in attempting to come back into compliance with the Act and applicable Board regulations. The violations first observed on June 16, 2011 were not resolved until October 11, 2012.

3. The wastes in question were ultimately properly managed and disposed of or recycled. Any economic benefit accruing to Respondent was nominal.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Five Thousand Dollars (\$5,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

5. During an inspection of the Facility on January 9, 2008, the Illinois EPA observed piles of broken concrete, asphalt, milled asphalt and gravel which had been dumped along with broken glass (cullet), dimensional lumber, metals, plastics and paper waste. Based upon this inspection, Administrative Citation AC 09-37 was issued to Respondent citing violations of Sections 21(p)(1) and (7) of the Act. On April 16, 2009, the Board entered an order directing Respondent to pay a penalty of \$3,000 concerning AC 09-37.

On September 17, 2009, the Illinois EPA re-inspected the Facility. Although some of the wastes observed on January 9, 2008 had been removed, the pile of broken glass or cullet remained. As a result, Administrative Citation AC 10-08 was issued to Respondent once again citing violations of Section 21(p)(1) of the Act. On January 21, 2011, the Board entered an order directing Respondent to pay a further penalty of \$3,000 concerning AC 10-08.

6. Self-disclosure is not at issue in this matter.
7. The settlement of this matter does not include a supplemental environmental project.
8. This matter did not involve a Compliance Commitment Agreement.

## **V. TERMS OF SETTLEMENT**

### **A. Penalty Payment**

1. The Respondent shall pay a civil penalty in the sum of Five Thousand Dollars (\$5,000.00) 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**

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

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

**E. Release from Liability**

In consideration of the Respondent's payment of the \$5,000.00 penalty, its commitment to cease and desist as contained in Section V.D. above, completion of all activities required hereunder, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for the violations of the Act and Board Regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's

Complaint filed herein. 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.

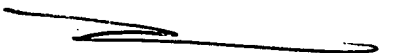

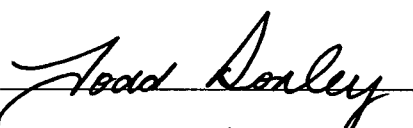
**F. Enforcement**

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.

<p>PEOPLE OF THE STATE OF ILLINOIS,</p> <p>LISA MADIGAN Attorney General State of Illinois</p> <p>MATTHEW J. DUNN, Chief Environmental Enforcement/ Asbestos Litigation Division</p> <p>BY:  THOMAS DAVIS, Chief Environmental Bureau Assistant Attorney General</p> <p>DATE: <u>12/07/12</u></p>	<p>ILLINOIS ENVIRONMENTAL PROTECTION AGENCY</p> <p>BY:  JOHN J. KIM, Interim Director</p> <p>DATE: <u>12/19/12</u></p>
<p>INFO CORNER MATERIALS, INC.,</p> <p>BY:  Name: <u>Todd Dowley</u> Title: <u>Vice-President</u></p>	<p>DATE: <u>11/21/12</u></p>