

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by LISA MADIGAN, Attorney)	
General of the State of Illinois,)	
)	
Complainant,)	
)	
-vs-)	PCB No.
)	(Enforcement-Air)
WORK AREA PROTECTION CORP.,)	
an Illinois corporation,)	
)	
Respondent.)	

NOTICE OF FILING

To:	
Work Area Protection Corporation	Greg Narsh
c/o CT Corporation (Registered Agent)	Pepper Hamilton LLP
208 S. LaSalle Street, Suite 814	4000 S. Tower Center, Suite 1800
Chicago, IL 60604	Southfield, MI 48075-1505

PLEASE TAKE NOTICE that on the 19th day of October, 2017, I caused to be filed with the Clerk of the Illinois Pollution Control Board a Complaint, Motion to Request Relief from Hearing Requirement with Respondent, Work Area Protection Corporation and Stipulation and Proposal for Settlement, copies of which are attached hereto and are hereby served upon you.

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

By: /s/ Christopher Grant
Christopher Grant
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, IL 60602
(312) 814-5388
cgrant@atg.state.il.us

CERTIFICATE OF SERVICE

I, CHRISTOPHER GRANT, an Assistant Attorney General, do certify that I caused to be mailed this 19th day of October, 2017, the foregoing Complaint, Motion for Request Relief from Hearing, Stipulation and Proposal for Settlement and Notice of Filing with Respondent, Work Area Protection Corporation, by certified mail with return receipt requested to the person listed on the Notice of Filing on October 19, 2017.

By: /s/ Christopher Grant
Christopher Grant
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
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Respondent.)	

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of the Respondent, WORK AREA PROTECTION CORP., as follows:

COUNT I
FAILURE TO SUBMIT ANNUAL EMISSION REPORT FOR 2015

1. Count I is brought on behalf of the People of the State of Illinois by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency (“Illinois EPA”) pursuant to the terms and provisions of Section 31 of the Environmental Protection Act (“Act”), 415 ILCS 5/31 (2016).

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 (2016), and charged, *inter alia*, with the duty of enforcing the Act and regulations promulgated by the Illinois Pollution Control Board (“Board”).

3. At all times relevant to the Complaint, Respondent Work Area Protection Corp. (“WAP”), was, and is, an Illinois Corporation, duly authorized to transact business in Illinois.

4. Respondent WAP is a manufacturer and distributor of traffic control products, including signs and plastic traffic control cones.

5. Respondent WAP owns and operates a plastic molding facility located at 2500 Production Drive, St. Charles, Kane County, Illinois ("Site"). At the Site, Respondent WAP operates at least four (4) plastic flow molding lines. The plastic flow molding machines emit volatile organic material ("VOM") and other contaminants to the atmosphere.

6. Emissions from the plastic flow molding machines at the Site are partially captured and controlled by a wet electrostatic precipitator.

7. In 2014, Respondent WAP reported to Illinois EPA that its operations resulted in the emission of VOM, carbon monoxide ("CO"), nitrogen oxides ("NOX"), particulate matter ("PM"), particulate matter with a diameter equal to or less than 10 microns ("PM-10), and sulfur dioxide ("SO2") to the atmosphere.

8. VOM and NOX, if emitted to the atmosphere, can cause respiratory problems in affected individuals. CO in sufficient quantities is harmful or fatal to humans. PM and PM-10 can also cause harm to public health and the environment. Pursuant to Section 107 of the federal Clean Air Act, the United States Environmental Protection Agency has established National Ambient Air Quality Standards for PM-10. SO2 emissions contribute to acid rain formation.

9. As of August 10, 2017, Respondent WAP had failed to submit an annual emission report to Illinois EPA covering its operations at the Site during 2015.

10. Section 9(a) of the Act, 415 ILCS 5/9(a) (2016), provides, as follows:

No person shall:

- (a) cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants

from other sources, or so as to violate regulations or standards adopted by the Board under this Act;

11. Section 3.315 of the Act, 415 ILCS 5/3.315 (2016), provides the following definition:

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

12. Respondent WAP, a Corporation, is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/2.315 (2016).

13. Section 3.165 of the Act, 415 ILCS 5/3.165 (2016), provides the following definition:

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

14. VOM, CO, NOX, PM, PM-10, and SO₂ are “contaminant[s]” as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2016).

15. Section 201.302 of the Board regulations, 35 Ill. Adm. Code 201.302, provides, in pertinent part, as follows:

Section 201.302 Reports

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

16. Section 211.1950 of the Board regulations, 35 Ill. Adm. Code 211.1950, provides as follows:

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

17. Section 211.6370 of the Board regulations, 35 Ill. Adm. Code 211.6370, provides as follows:

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

18. Section 211.370 of the Board regulations, 35 Ill. Adm. Code 211.370, provides as follows:

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

19. VOM, CO, PM, PM-10, and SO₂ are “air pollutant[s]” as that term is defined in Section 211.370 of the Board regulations, 35 Ill. Adm. Code 211.370.

20. The Respondent’s operations at the Site emit air pollutants to the atmosphere. The Site is therefore a “Stationary Source” as that term is defined in Section 211. 6370 of the Board regulations, 35 Ill. Adm. Code 211.6370.

21. The plastic flow molding machines at the Site emit, or have the potential to emit, VOM, CO, PM, PM-10, and SO₂ into the atmosphere and are “emission unit[s]” as that term is defined in Section 211.1950 of the Board regulations, 35 Ill. Adm. Code 211.1950. The Respondent is the “owner and operator” of emission units.

22. Section 211.410 of the Board regulations, 35 Ill. Adm. Code 211.410, provides as follows:

Section 211.410 Air Pollution Control Equipment

"Air pollution control equipment" means any equipment or apparatus of a type intended to eliminate, prevent, reduce or control the emission of air contaminants to the atmosphere.

23. The wet electrostatic precipitator operated by Respondent WAP is intended to partially collect and control emissions from the plastic flow molding machines at the Site, and is "Air Pollution Control Equipment" as that term is defined in Section 211.410 of the Board regulations, 35 Ill. Adm. Code 211.410. The Respondent is the "owner and operator" of air pollution control equipment.

24. Section 254.137 of the Board regulations, 35 Ill. Adm. Code 254.137, provides, in pertinent part, as follows:

Section 254.137 Reporting Schedule

a) All annual Emission Reports are due by May 1 of the year following the calendar year in which the emissions took place.

* * *

25. Section 254.132 of the Board regulations, 35 Ill. Adm. Code 254.132, provides, in pertinent part, as follows:

Section 254.132 Failure to File a Complete Report

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

* * *

26. As owner and operator of the emission units and air pollution control equipment at the Site, the Respondent was required to submit an annual emission report to the Illinois EPA for its operations during 2015 by May 1, 2016.

27. By failing to submit a timely annual emission report for 2015, the Respondent

violated Sections 201.302 and 254.132 of the Board regulations, 35 Ill. Adm. Code Sections 201.302 and 254.132, and thereby also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2016).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, requests that the Board enter an order in favor of Complainant and against the Respondent, WORK AREA PROTECTION CORP., on Count I:

1. Authorizing a hearing in this matter, at which time the Respondent will be required to answer the allegations herein;
2. Finding that the Respondent has violated Section 9(a) of the Act, and 35 Ill. Adm. Code Sections 201.302 and 254.132;
3. Ordering the Respondent to cease and desist from any further violation of Section 9(a) of the Act, and 35 Ill. Adm. Code Sections 201.302 and 254.132;
4. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 9(a) of the Act, and 35 Ill. Adm. Code Sections 201.302 and 254.132, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Ordering the Respondent to pay all costs, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and
6. Granting such other relief as the Board deems appropriate and just.

COUNT II
FAILURE TO SUBMIT ANNUAL EMISSION REPORT FOR 2016

1. This Count is brought on behalf of THE PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion pursuant to the terms and provisions of Section 31 the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2016).

2-24 Complainant re-alleges and incorporates by reference herein paragraphs 2 through 8, and paragraphs 10 through 25, of Count I, as paragraphs 2 through 24 of this Count II.

25. As of August 10, 2017, Respondent WAP had failed to submit an annual emission report to the Illinois EPA covering its operations at the Site during 2016.

26. As owner and operator of the emission units and air pollution control equipment at the Site, the Respondent was required under Sections 201.302 and 254.132 of the Board regulations, 35 Ill. Adm. Code Sections 201.302 and 254.132, to submit annual emission reports for its operations during 2016 by May 1, 2017.

27. By failing to submit a timely annual emission report for 2016, the Respondent violated Sections 201.302 and 254.132 of the Board regulations, 35 Ill. Adm. Code Sections 201.302 and 254.132, and thereby also violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2016).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against the Respondent, WORK AREA PROTECTION CORP., on Count II:

1. Authorizing a hearing in this matter, at which time the Respondent will be required to answer the allegations herein;
2. Finding that the Respondent has violated Section 9(a) of the Act, and 35 Ill. Adm. Code Sections 201.302 and 254.132;
3. Ordering the Respondent to cease and desist from any further violation of Section 9(a) of the Act, and 35 Ill. Adm. Code Sections 201.302 and 254.132;
4. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of Section 9(a) of the Act, and 35 Ill. Adm. Code Sections 201.302 and 254.132, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for

each day of violation;

5. Ordering the Respondent to pay all costs, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

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

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

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

By:



ELIZABETH WALLACE, Chief
Environmental Enforcement
Assistant Attorney General

Of Counsel:

Christopher Grant
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington St., Suite 1800
Chicago, Illinois 60602
(312) 814-5388

Primary e-mail address: cgrant@atg.state.il.us

Secondary e-mail address: mcacaccio@atg.state.il.us

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by LISA MADIGAN, Attorney)	
General of the State of Illinois,)	
)	
Complainant,)	
)	
-vs-)	PCB No. 18-
)	(Enforcement-Air)
WORK AREA PROTECTION CORP.,)	
an Illinois corporation,)	
)	
Respondent.)	

MOTION TO REQUEST RELIEF FROM HEARING REQUIREMENT

Now comes Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and requests relief from the requirement of a hearing in this matter. In support thereof, the Complainant states as follows:

1. Along with this Motion, Complainant is filing the initial Complaint in this matter, and a Stipulation and Proposal for Settlement executed between Complainant and Respondent Work Area Protection Corp.

2. Section 31 of the Act, 415 ILCS 5/31 (2016), provides, in pertinent part, as follows:

* * *

(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).

* * *

3. No hearing is now scheduled in this matter.
4. The Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests relief from the requirement of a hearing pursuant to 415 ILCS 5/31(c)(2) (2016).

Respectfully submitted,

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

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

ELIZABETH WALLACE, Chief
Environmental Bureau North

BY:


CHRISTOPHER GRANT
Assistant Attorney General
Environmental Bureau
69 W. Washington St., #1800
Chicago, Illinois 60602
(312) 814-5388

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
by LISA MADIGAN, Attorney)	
General of the State of Illinois,)	
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Complainant,)	
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-vs-)	PCB No. 18-
)	(Enforcement-Air)
WORK AREA PROTECTION CORP.,)	
an Illinois corporation,)	
)	
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 the Respondent, WORK AREA PROTECTION CORP. (“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.* (2016), and the Board’s Regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

I. STATEMENT OF FACTS

A. Parties

1. On October 19, 2017, 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 (2016), against the Respondents.

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 (2016).

3 At all times relevant to the Complaint, Respondent Work Area Protection Corp. (“WAPC”) was, and is, an Illinois corporation, duly authorized to transact business in Illinois.

4. Respondent WAPC owns and operates a manufacturing facility located at 2500 Production Drive, St. Charles, Kane County, Illinois (“Site”). Respondent’s manufacturing operations emit volatile organic material (“VOM”) and other contaminants to the atmosphere.

B. Allegations of Non-Compliance

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

Count I: FAILURE TO SUBMIT ANNUAL EMISSION REPORT FOR 2015, violation of 415 ILCS 5/9(a) (2016), and 35 Ill. Adm. Code Sections 201.302 and 254.132.

Count II: FAILURE TO SUBMIT ANNUAL EMISSION REPORT FOR 2016, violation of 415 ILCS 5/9(a) (2016), and 35 Ill. Adm. Code Sections 201.302 and 254.132.

C. Non-Admission of Violations

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

D. Compliance Activities to Date

On or about September 19, 2017, the Respondent submitted annual emission reports to Illinois EPA for calendar years 2015 and 2016.

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 5/42 (2016).

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

Section 33(c) of the Act, 415 ILCS 5/33(c) (2016), provides as follows:

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

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

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

1. The Respondent's failure to submit annual emission reports hindered Illinois EPA's information gathering responsibilities.
2. Operation of the Respondent's facility at the Site has a social and economic benefit.
3. The Site is a suitable location for operation of Respondent's emission sources.
4. Timely submission of annual emission reports for Respondent's emission sources is technically feasible and economically reasonable.
5. On or about September 19, 2017, the Respondent submitted annual emission reports to Illinois EPA for the years 2015 and 2016.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2016), 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 there from 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;
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 did not submit annual emission reports for the years 2015 and 2016 until September 19, 2017, after it was advised of the pendency of this enforcement case.
2. Complainant asserts that the Respondent was not diligent in identifying and complying with their responsibilities under the pertinent Board regulations.
3. Complainant is unaware of a substantial economic benefit to the Respondent related to the alleged violations and asserts that assessment of a civil penalty of \$10,000.00 will recover any potential economic benefit realized by the Respondents.
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. The Respondent has one previously adjudicated violation. In *People v. Work Area Protection Corporation*, PCB 94-265, Complainant alleged violations of Sections 9(a), 9(b), and 25b-2 of the Act, 415 ILCS 5/9(a), 5/9(b), and 5/25b-2. On December 1, 1994, the Board accepted a Stipulation and Proposal for Settlement requiring Respondent to pay a civil

penalty of \$16,000.00.

6. The Respondent did not self-disclose the alleged violations.
7. The settlement of this matter does not include a supplemental environmental project.
8. The Parties did not enter into a Compliance Commitment Agreement.

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. 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, 415 ILCS 5/42(g) (2016), 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 case name and case 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:

Christopher J. Grant
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington, Suite 1800
Chicago, Illinois 60602
cgrant@atg.state.il.us

D. Future Compliance

1. At all times in the future, the Respondent shall submit Annual Emission Reports for its facility's operations for the prior year by May 1st of the following year.

2. 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.

3. 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 \$10,000.00 penalty, its commitment

to cease and desist as contained in Section V.D.3 above, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for the violations of the Act and Board Regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed on October 19, 2017. 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 (2016), or entity other than the Respondents.

F. Enforcement of Stipulation

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

G. Execution of Stipulation

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

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

PEOPLE OF THE STATE OF ILLINOIS

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

LISA MADIGAN
Attorney General of the
State of Illinois

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

ALEC MESSINA, Director
Illinois Environmental Protection Agency

BY: 
ELIZABETH WALLACE, Chief
Assistant Attorney General
Environmental Bureau

BY: 
JOHN J. KIM
Chief Legal Counsel

DATE: 10/2/17

DATE: 9/26/17

WORK AREA PROTECTION CORPORATION

BY:



TITLE: President

DATE: 10/3/17

People v. Work Area Protection Corporation, PCB 18-