

ORIGINAL

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
CLERK'S OFFICE
APR - 2 1998
STATE OF ILLINOIS
POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

v.

HORSEHEAD RESOURCE DEVELOPMENT
COMPANY, INC., a Delaware
corporation,

Respondent.

PCB 98-127

(Enforcement)

NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that on the 2nd day of April, 1998, I filed with the Clerk of the Illinois Pollution Control Board a Complaint, Stipulation and Proposal for Settlement and a Motion to Request Relief From Hearing Requirement, copies of which are attached hereto and hereby served upon you.

PEOPLE OF THE STATE OF ILLINOIS

JAMES E. RYAN
Attorney General of the
State of Illinois

By: Rebecca A. Burlingham
REBECCA A. BURLINGHAM
Assistant Attorney General
Environmental Bureau
100 W. Randolph St., 11th Fl.
Chicago, Illinois 60601
(312) 814-3776

Date: April 2, 1998

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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**MOTION TO REQUEST RELIEF
FROM HEARING REQUIREMENT**

NOW COMES the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by JAMES E. RYAN, Attorney General of the State of Illinois, and requests relief from the hearing requirement in the above-captioned matter. In support thereof, the Complainant states as follows:

1. On April 2, 1998, a Complaint and a Stipulation and Proposal for Settlement were simultaneously filed with the Pollution Control Board ("Board").
2. Section 31(c)(2) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(c)(2), effective August 1, 1996, allows the parties in certain enforcement cases to request relief from the mandatory hearing requirement where the parties have submitted to the Board a stipulation and proposal for settlement. Section 31(c)(2) provides:

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 currently scheduled in the instant case.

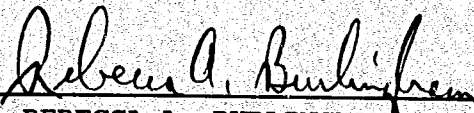
4. The Complainant requests the relief conferred by Section 31(c)(2) of the Act.

WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by JAMES E. RYAN, Attorney General of the State of Illinois, requests relief from the requirement of a hearing pursuant to 415 ILCS 5/31(c)(2), effective August 1, 1996.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

JAMES E. RYAN
Attorney General of the
State of Illinois

By: 
REBECCA A. BURLINGHAM
Assistant Attorney General

Environmental Bureau
100 W. Randolph St., 11th Fl.
Chicago, Illinois 60601
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COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by JAMES E. RYAN, Attorney General of the State of Illinois, complains of the Respondent, HORSEHEAD RESOURCE DEVELOPMENT COMPANY, INC., a Delaware corporation, as follows:

COUNT I

ACCEPTANCE OF SPECIAL WASTE FROM AN UNPERMITTED WASTE HAULER

1. This complaint is brought by the Attorney General on his 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 Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (1996).

2. The Illinois EPA is an administrative agency established in the executive branch of the State government by Section 4 of the

Act, 415 ILCS 5/4 (1996), and charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to this complaint, Amsted Industries, Inc. ("Amsted") has been and is a Delaware corporation qualified to do business in the State of Illinois.

4. At all times relevant to this complaint, Griffin Wheel Company ("Griffin") has been and is a sole proprietorship owned by Amsted, and has operated a manufacturing facility located at 416 Carbide Lane, Keokuk, Iowa.

5. At all times relevant to this complaint, L.E. Swiderski ("Swiderski") was responsible for and in control of the delivery by Griffin of waste generated in Griffin's manufacturing processes to waste haulers and transporters.

6. At all times relevant to this complaint, Hellman Trucking Company, Inc. ("Hellman"), a waste hauler, has been and is an Iowa corporation that is not qualified to do business in Illinois.

7. At all times relevant to this complaint, Respondent Horsehead Resource Development Company, Inc. ("Horsehead") has been and is a Delaware corporation qualified to do business in Illinois. Horsehead operates a permitted hazardous waste disposal facility located at 2701 East 114th Street, Chicago, Cook County, Illinois ("Horsehead facility").

8. Amsted and Swiderski shall hereinafter be referred to

collectively as "Griffin".

9. Hellman received two shipments of material from Griffin, one on September 25, 1992 and one on December 16, 1992, and delivered them to the Horsehead facility for disposal.

10. Section 3.26 of the Act, 415 ILCS 5/3.26 (1996), contains 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.

11. Griffin, Hellman and Horsehead are "persons" as that term is defined in Section 3.26 of the Act.

12. Section 3.15 of the Act, 415 ILCS 5/3.15 (1996), contains the following definition:

"HAZARDOUS WASTE" means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, or pursuant to Board regulations.

13. Section 721.102 of the Illinois Pollution Control Board ("Board") Regulations governing Waste Disposal, 35 Ill. Adm. Code 721.102, titled Definition of Solid Waste, provides in pertinent

part as follows:

a) Solid Waste.

- 1) A solid waste is any discarded material that is not excluded by Section 721.104(a) or that is not excluded pursuant to 35 Ill. Adm. Code 720.130 and 720.131.
- 2) A discarded material is any material which is:
 - A) Abandoned, as explained in subsection (b), below; or
 - B) Recycled, as explained in subsection (c), below; or
 - C) Considered inherently waste-like, as explained in subsection (d), below.

b) Materials are solid waste if they are abandoned by being:

- 1) Disposed of; or
- 2) Burned or incinerated; or
- 3) Accumulated, stored or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned or incinerated.

14. Section 721.124 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 721.124, titled Toxicity Characteristic, provides in pertinent part as follows:

- b) A solid waste that exhibits the characteristic of toxicity has the USEPA Hazardous Waste Number specified in the following table which corresponds to the toxic contaminant causing it to be hazardous.

MAXIMUM CONCENTRATIONS OF CONTAMINANTS
FOR THE TOXICITY CHARACTERISTIC

USEPA HAZARDOUS WASTE NUMBER	CONTAMINANT	Regulatory level note (mg/l)
	* * *	
D008	LEAD	5.0
	* * *	

15. On or after September 28, 1992, a Uniform Hazardous Waste Manifest, Illinois Manifest Document Number IL 3459308, signed by Griffin as generator, Hellman as transporter, and Horsehead as facility owner or operator, was submitted to the Illinois EPA for the September 25, 1992 shipment. On the manifest, the contents of the shipment are described as 29.44 cubic yards of "RQ-Hazardous Waste, Solid, N.O.S. ORM-E NA 9189 (Lead)" with a USEPA Hazardous Waste Number of D008.

16. On or about December 17, 1992, a Uniform Hazardous Waste Manifest, Illinois Manifest Document Number IL 3459309, signed by Griffin as generator, Hellman as transporter, and Horsehead as facility owner or operator, was submitted to the Illinois EPA for the December 16, 1992 shipment. On the manifest, the contents of the shipment are described as 26 cubic yards of "RQ-Hazardous Waste, Solid, N.O.S. ORM-E NA 9189 (Lead)" with a USEPA Hazardous Waste

Number of D008. This manifest and the one referred to in the preceding paragraph were submitted to the Illinois EPA after the date of the shipment to which the manifest related.

17. The material in the September 25, 1992 and December 16, 1992 shipments contained lead at greater than 5 milligrams per liter ("mg/l").

18. The material that was generated by Griffin at its plant, transported by Hellman and disposed of at the Horsehead facility was a "solid waste" as that term is defined in 35 Ill. Adm. Code 721.102, and a "hazardous waste" as that term is defined in Section 3.15 of the Act because it was discarded material and its physical and chemical characteristics posed a substantial and potential hazard to human health and the environment when improperly transported or disposed of or otherwise managed, and further because it contained lead at greater than 5 mg/l and lead has been identified by characteristic as "hazardous" pursuant to 35 Ill. Adm. Code 721.124.

19. Section 3.45 of the Act, 415 ILCS 5/3.45 (1996), contains the following definition:

"SPECIAL WASTE" means any industrial process waste, pollution control waste or hazardous waste, except as may be determined pursuant to Section 22.9 of this Act. "Special Waste" also means any potentially infectious medical waste.

20. Because the material in the September 25, 1992 and

December 16, 1992 shipments was a hazardous waste, it was also a special waste, pursuant to Section 3.45 of the Act.

21. Section 3.17 of the Act, 415 ILCS 5/3.17 (1996), contains the following definition:

"INDUSTRIAL PROCESS WASTE" means any liquid, solid, semi-solid, or gaseous waste generated as a direct or indirect result of the manufacture of a product or the performance of a service. Any such waste which would pose a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means is an industrial process waste. "Industrial Process Waste" includes but is not limited to spent pickling liquors, cutting oils, chemical catalysts, distillation bottoms, etching acids, equipment cleanings, paint sludges, incinerator ashes (including but not limited to ash resulting from the incineration of potentially infectious medical waste), core sands, metallic dust sweepings, asbestos dust, and off-specification, contaminated or recalled wholesale or retail products. Specifically excluded are uncontaminated packaging materials, uncontaminated machinery components, general household waste, landscape waste and construction or demolition debris.

22. The material in the September 25, 1992 and December 16, 1992 shipments was an industrial process waste, as that term is defined in Section 3.17 of the Act, and therefore was also a special waste, pursuant to Section 3.45 of the Act.

23. Section 21 of the Act, 415 ILCS 5/21 (1996), provides in pertinent part as follows:

No person shall:

* * *
d. Conduct any waste-storage, waste-treatment, or waste-disposal operation:

* * *

2. In violation of any regulations or standards adopted by the Board under this Act.

24. Section 809.302 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 809.302, titled Requirements for Acceptance of Special Waste from Haulers, provides in pertinent part as follows:

- a) No person shall accept any special waste for disposal, storage or treatment within Illinois from a special waste hauler unless the special waste hauler has a valid special waste hauling permit issued by the Agency under Subpart B of this Part and concurrently presents to the receiver of the special waste, or his agent, a completed, signed manifest as required by Subpart E of this Part, which manifest designates the receiver's facility as the destination for the special waste.

25. As a person who accepted special waste for disposal within Illinois from a special waste hauler, Respondent Horsehead was required to accept such waste only from a hauler who had a valid special waste hauling permit issued by the Illinois EPA and who concurrently presented to Horsehead signed special waste manifests designating the Horsehead facility as the destination for the special waste.

26. On or about September 25, 1992 and December 16, 1992, or on a date or dates better known to Horsehead, Horsehead accepted special waste for disposal at its Illinois facility from Hellman, a special waste hauler who did not have a current, valid special waste hauling permit issued by the Illinois EPA and who did not

concurrently present to Horsehead signed special waste manifests designating the Horsehead facility as the destination for the special waste.

27. The action taken by Horsehead relative to the shipped material, a solid waste, constituted the conduct of a waste-storage, waste-treatment or waste-disposal operation in violation of regulations adopted by the Board under the Act.

28. By accepting special waste for disposal at its Illinois facility from Hellman, a special waste hauler who did not have a current, valid special waste hauling permit issued by the Illinois EPA and who did not concurrently present to Horsehead signed a special waste manifests designating the Horsehead facility as the destination for the special waste, Horsehead violated 35 Ill. Adm. Code 809.302(a) and, thereby, also violated Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2)(1996).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order in favor of Complainant and against the Respondent, HORSEHEAD RESOURCE DEVELOPMENT COMPANY, INC., a Delaware corporation, 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 21(d)(2) of the Act and Section 809.302(a) of 35 Ill. Adm. Code;

3. Ordering the Respondent to cease and desist from any further violations of Section 21(d)(2) of the Act and Section 809.302(a) of 35 Ill. Adm. Code;

4. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act and pertinent regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day during which each violation shall have continued;

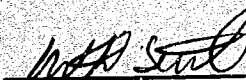
5. Ordering the Respondent to pay all costs, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

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

PEOPLE OF THE STATE OF ILLINOIS

JAMES E. RYAN
Attorney General
State of Illinois

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

By: 
WILLIAM D. SEITH, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel:

REBECCA A. BURLINGHAM
Assistant Attorney General
Environmental Bureau
100 W. Randolph St., 11th Floor
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PCB 98- 127
(Enforcement)

STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by JAMES E. RYAN, Attorney General of the State of Illinois, at the request of the Illinois Environmental Protection Agency, and Respondent, HORSEHEAD RESOURCE DEVELOPMENT COMPANY, INC., a Delaware corporation ("HRD"), do hereby agree to this Stipulation and Proposal for Settlement ("Settlement"). The parties agree that the statement of facts contained herein is made and agreed upon for purposes of settlement only and that neither the fact that a party has entered into this Settlement, nor any of the facts stipulated herein, shall be used as evidence in this or any other proceeding except to enforce the terms of this Settlement.

Notwithstanding the previous sentence, this Settlement and any Illinois Pollution Control Board ("Bbard") order accepting same may be used in any future enforcement action as evidence of a past adjudication of violation of the Illinois Environmental Protection

Act ("Act") for purposes of Section 42(h) of the Act, 415 ILCS 5/42(h) (1996). HRD reserves the right to object to the weight and significance to be given to this Settlement, including the claims resolved herein, for purposes of Section 42(h) of the Act, 415 ILCS 5/42(h) (1996). This agreement shall be null and void unless the Board approves and disposes of this matter on each and every one of the terms and conditions of the Settlement set forth herein.

I.

JURISDICTION

For the purposes of this Settlement only, HRD agrees that the Board has jurisdiction of the subject matter herein and of the parties consenting hereto pursuant to the Act, 415 ILCS 5/1 et seq. (1996).

II.

AUTHORIZATION

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

III.

APPLICABILITY

This Stipulation and Proposal for Settlement shall apply to and be binding upon the Complainant and HRD, and on any officer, director, agent, employee or servant of HRD, as well as HRD's successors and assigns. HRD shall not raise as a defense to any enforcement action taken pursuant to this settlement the failure of its officers, directors, agents, servants or employees to take such action as shall be required to comply with the provisions of this Settlement.

IV.

STATEMENT OF FACTS

A. Parties

1. The Attorney General of the State of Illinois brings this action on his own motion, as well as at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to the statutory authority vested in him under Section 31 of the Act, 415 ILCS 5/31 (1996).

2. The Illinois EPA is an agency of the State of Illinois created pursuant to Section 4 of the Act, 415 ILCS 5/4 (1996), which is charged, *inter alia*, with the duty of enforcing the Act.

3. Respondent, HRD, is a corporation organized under the

laws of the State of Delaware, and is qualified to do business in the State of Illinois.

B. Facility Description

Since at least September 25, 1992, HRD has operated a permitted hazardous waste recycling facility located at 2701 East 114th Street, Chicago, Cook County, Illinois ("facility").

C. Allegations of Noncompliance

Complainant has made the following allegations of noncompliance against HRD under the Act and/or the Board Waste Disposal Regulations:

1. On or about September 25, 1992 and December 16, 1992, HRD accepted special waste for disposal at the facility from Hellman Trucking Company, Inc., a special waste hauler who did not have a current, valid special waste hauling permit issued by Illinois EPA and who did not concurrently present to HRD signed special waste manifests designating the facility as the destination for the special waste. For the purpose of resolving all similar matters, the parties agree to include, as part of this Settlement, a third shipment of similar material which occurred on or about May 5, 1993 (manifest number IL 3459310).

2. Such acceptance constituted noncompliance with Section

21(d)(2) of the Act, 415 ILCS 5/21(d)(2)(1996), and Section 809.302(a) of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 809.302(a).

V.

PROCEDURAL HISTORY

On November 5, 1993, the Illinois EPA sent HRD a Compliance Inquiry Letter ("CIL") notifying HRD of allegations of noncompliance with the Act and Board Waste Disposal Regulations; requesting HRD to submit, in writing, within fifteen (15) days of the date of the CIL, the reasons for the alleged noncompliance and a description of the steps HRD had taken to correct it; and advising HRD that noncompliance with the Act and regulations adopted thereunder may be the subject of enforcement action. HRD responded by letter dated November 24, 1993, denying the alleged noncompliance and stating that HRD would maintain compliance with the requirements of 35 Ill. Adm. Code 809.302(a).

VI.

FUTURE PLANS OF COMPLIANCE

HRD will in the future diligently conform to the Act and the regulations promulgated thereunder, as cited herein.

VII.

IMPACT ON THE PUBLIC RESULTING FROM NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (1996), provides as follows:

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

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

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

1. Impact to the public resulting from HRD's alleged noncompliance was that Illinois EPA and the public were not privy to information that is important to the regulation of the generation, transportation and disposal of special waste in the State of Illinois. The permit and manifest processes are the only methods

available for the State to identify possible noncompliance with the requirements for special waste hauling and disposal.

2. The parties agree that HRD's facility is of social and economic benefit.

3. The facility is suitable to the area in which it is located.

4. Complying with the requirements of the Act and the Board Regulations is both technically practicable and economically reasonable.

5. HRD's alleged noncompliance was by its nature a one-time rather than an ongoing or continuing activity.

VIII.

CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (1996), 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 violator 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 violator because of delay in compliance with requirements;
4. the amount of monetary penalty which will serve to deter further violations by the violator and to otherwise aid in enhancing voluntary compliance with this Act by the violator and other persons similarly subject to the Act; and
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the violator.

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

1. The gravity of HRD's alleged noncompliance was that the Illinois EPA and the public were not privy to information that is important to the regulation of the generation, transportation and disposal of special waste in the State of Illinois. The permit and manifest processes are the only methods available for the State to identify possible noncompliance with the requirements for special waste hauling and disposal. The duration of each instance of alleged noncompliance was one day. By their nature, these were one-time rather than ongoing or continuing activities.

2. Complainant is unaware of any instances of noncompliance by HRD subsequent to those alleged in the complaint.

3. HRD realized no economic benefit from the alleged noncompliance.

4. The payment of a monetary penalty will deter HRD and similarly situated parties from noncompliance with special waste

permit and manifest requirements.

5. HRD has no previously adjudicated violations of the Act.

IX.

TERMS OF SETTLEMENT

1. HRD denies any alleged noncompliance with Section 21(d)(2) of the Act, 415 ILCS 5/21(d)(2)(1996), and 35 Ill. Adm. Code 809.302(a).

2. HRD shall pay a penalty of Seven Thousand Five Hundred Dollars (\$7,500.00) into the Illinois Environmental Protection Trust Fund within thirty (30) days from the date on which the Board adopts a final order approving this Settlement. Payment shall be made by certified check or money order, payable to the Treasurer of the State of Illinois, designated for deposit into the Environmental Protection Trust Fund, and shall be sent by first class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62702

HRD's Federal Employer Identification Number, 13-3353902, shall be written upon the certified check or money order.

3. HRD will in the future diligently conform with the provisions of the Act and the Board regulations promulgated thereunder, as cited herein.

X.

COMPLIANCE WITH OTHER LAWS AND REGULATIONS

This Settlement in no way affects HRD's responsibility to comply with any federal, state or local regulations, including but not limited to the Act, 415 ILCS 5/1 et seq. (1996), and the Board regulations.

XI.

RELEASE FROM LIABILITY

In consideration of HRD's payment of a \$7,500.00 penalty and its other commitments set forth herein, the Complainant releases, waives and discharges HRD from any further liability or penalties for the allegations of noncompliance with the Act and regulations which are the subject matter of the complaint herein. However, nothing in this Settlement shall be construed as a waiver by Complainant of the right to redress future violations or obtain penalties with respect thereto.

Moreover, this release from liability applies only to Respondent HRD, and shall not be construed as a release of any other person.


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

AGREED:

FOR THE COMPLAINANT:

JAMES E. RYAN
Attorney General
State of Illinois


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

By: 
WILLIAM D. SEITH, Chief
Environmental Bureau
Assistant Attorney General

Dated: 3/16/98

FOR THE RESPONDENT:

HORSEHEAD RESOURCE
DEVELOPMENT COMPANY,
INC., a Delaware
corporation

By: 
Its Vice President
FEIN #13-3353902

Dated: 3/24/98

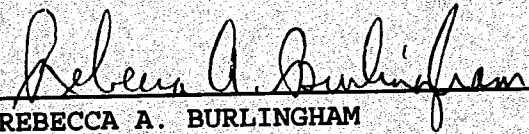
ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

By: 
JOSEPH E. SVOBODA
General Counsel

Dated: 3/5/98

CERTIFICATE OF SERVICE

I, REBECCA A. BURLINGHAM, an Assistant Attorney General in this case, do certify that I caused to be served this 2nd day of April, 1998, the foregoing Complaint, Stipulation and Proposal for Settlement, Motion to Request Relief From Hearing Requirement and Notice of Filing upon the persons listed on said Notice by depositing same in an envelope, first class postage prepaid, with the United States Postal Service at 100 West Randolph Street, Chicago, Illinois, at or before the hour of 5:00 p.m.


REBECCA A. BURLINGHAM