



**SERVICE LIST**

For Respondent

Samuel G. Harrod IV  
Meltzer, Purtil & Stelle LLC  
1515 E. Woodfield Road, Second Floor  
Schaumburg, Illinois 60173  
(Via Certified Mail, Return Receipt Requested)

For Illinois Environmental Protection Agency

Charles Gunnarson  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(Via First Class U.S. Mail)



of the Act, 415 ILCS 5/31(c)(2) (2012).

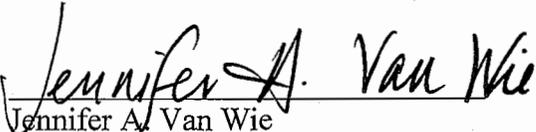
WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2012).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN  
Attorney General  
State of Illinois

BY:

  
Jennifer A. Van Wie

Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602  
(312) 814-06309

DATE: July 11, 2013



4. AC Pavement owns and operates a pavement striping and sealing business.
5. AC Pavement operates its business from a facility located at 695 Church Road, Elgin, Kane County, Illinois ("Facility").
6. On April 2, 2012, the Illinois EPA received a complaint that a yellowish discoloration had been observed in Tyler Creek at Illinois Route 31 in Elgin, Kane County, Illinois, on March 30, 2012 and on April 2, 2012.
7. On April 2, 2012, an Illinois EPA inspector investigated the complaint of a yellowish discoloration in Tyler Creek by walking a sizable length of the creek.
8. On April 2, 2012, the Illinois EPA inspector confirmed the existence of the yellowish discoloration in Tyler Creek but was unable to locate the source of the yellowish discoloration.
9. On April 5, 2012, the Illinois EPA inspector met City of Elgin personnel also investigating the discoloration.
10. On April 5, 2012, the Illinois EPA inspector observed dried yellow paint staining the parking lot area immediately adjacent to a storm sewer inlet and the inlet cover at the Facility.
11. On April 5, 2012, the Illinois EPA inspector observed significant yellow discoloration of the water in the storm sewer once the manhole cover was removed.
12. The storm sewer located in the parking lot of the Facility leads to Tyler Creek.
13. Section 12(a) of the Act, 415 ILCS 5/12(a) (2012), provides as follows:
  - (a) Actions prohibited. No person shall:
    - (a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter

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

14. Section 3.315 of the Act, 415 ILCS 5/3.315 (2012), 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.

15. AC Pavement is a "person" as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2012).

16. Section 3.165 of the Act, 415 ILCS 5/3.165 (2012), provides the following definition:

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

17. Paint is a "contaminant" as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2012).

18. Section 3.550 of the Act, 415 ILCS 5/3.550 (2012), contains the following definition:

"Waters" means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

19. The storm sewer located in the parking lot of the Facility and Tyler Creek are each "waters" of the State of Illinois as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2012).

20. Section 3.545 of the Act, 415 ILCS 5/3.545 (2012), provides the following definition:

"Water pollution" is such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

21. The discharge of paint into waters of the State causes an alteration of the properties of the water in a manner that does or is likely to create a nuisance or render the water harmful to human, animal, or aquatic life or health.

22. By causing, threatening, or allowing the discharge of paint into waters of the State of Illinois, the Respondent caused or tended to cause water pollution in Illinois.

23. By causing or tending to cause water pollution in Illinois, the Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2012).

WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Pollution Control Board enter an order against the Respondent, A.C.

PAVEMENT STRIPING CO., with respect to this Count I:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations contained herein;
2. Finding the Respondent has violated Section 12(a) the Act, 415 ILCS 5/12(a) (2012);
3. Ordering the Respondent to cease and desist from future violations of the Act;
4. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act and an additional Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs against the Respondent, including attorney, expert witness and

consultant fees expended by the State in its pursuit of this action pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012); and

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

**COUNT II**  
**WATER POLLUTION HAZARD**

1-20. Complainant realleges and incorporates by reference herein paragraphs 1 through 12 and 14 through 21 of Count I as paragraphs 1 through 20 of this Count II.

21. Section 12(d) of the Act, 415 ILCS 5/12(d) (2012), provides as follows:

Actions prohibited. No person shall:

- (d) Deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

22. The Respondent deposited paint, a contaminant, onto a parking lot with a storm sewer that connects to Tyler Creek at the Facility.

23. By depositing contaminants at the Facility in a place and manner that created a water pollution hazard, Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2012).

WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Pollution Control Board enter an order against the Respondent, A.C.

PAVEMENT STRIPING CO., with respect to this Count II:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations contained herein;
2. Finding the Respondent has violated Section 12(d) the Act, 415 ILCS 5/12(d) (2012);
3. Ordering the Respondent to cease and desist from future violations of the Act;
4. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars

(\$50,000.00) for each and every violation of the Act and an additional Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Taxing all costs against the Respondent, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012); and

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

**COUNT III**  
**OFFENSIVE CONDITIONS**

1-21. Complainant realleges and incorporates by reference herein paragraphs 1 through 21 of Count I as paragraphs 1 through 21 of this Count III.

22. Section 302.203 of the Illinois Pollution Control Board ("Board") Water Pollution Regulations, 35 Ill. Adm. Code 302.203, provides, in pertinent part, as follows:

Offensive Conditions

Waters of the State shall be free from sludge or bottom deposits, floating debris, visible oil, odor, plant or algal growth, color or turbidity of other than natural origin.

23. The Respondent deposited paint, a contaminant, onto a parking lot with a storm sewer that connects to Tyler Creek at the Facility.

24. This discharge caused unnatural color and turbidity in the storm sewer and Tyler Creek, both waters of the State, in violation of Section 302.203 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203.

25. By violating Section 302.203 of the Board Water Pollution Regulations, 35 Ill. Adm. Code 302.203, the Respondent thereby violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2012).

WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Pollution Control Board enter an order against the Respondent, A.C.

PAVEMENT STRIPING CO., with respect to this Count III:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations contained herein;
2. Finding the Respondent has violated Section 12(a) the Act, 415 ILCS 5/12(a) (2012), and Section 302.203 of the Board Water Pollution Regulations;
3. Ordering the Respondent to cease and desist from future violations of the Act and Board Water Pollution Regulations;
4. Assessing against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each and every violation of the Act and Board Water Pollution Regulations, and an additional Ten Thousand Dollars (\$10,000.00) for each day of each violation;
5. Taxing all costs against the Respondent, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012); and
6. Granting such other and further relief as the Board deems appropriate and just.

**COUNT IV**  
**VIOLATION OF NATIONAL POLLUTANT DISCHARGE ELIMINATION**  
**SYSTEM PERMIT REQUIREMENTS**

1-18. Complainant realleges and incorporates by reference herein paragraphs 1 through 12 and 14 through 19 of Count I as paragraphs 1 through 18 of this Count IV.

19. Pursuant to Section 1342(b) of the Federal Clean Water Act (“CWA”), 33 U.S.C. § 1342(b), the Illinois EPA administers and enforces the CWA’s National Pollutant Discharge Elimination System (“NPDES”) permit program within the State of Illinois.

20. Section 12(f) of the Act, 415 ILCS 5/12(f) (2012), provides, in pertinent part, as follows:

Actions prohibited. No person shall:

- (f) Cause, threaten or allow the discharge of any contaminant into the waters of the State, as defined herein, including but not limited to, waters to any sewage works, or into any well or from any point source within the State, without an NPDES permit for point source discharges issued by the Agency under Section 39(b) of this Act, or in violation of any term or condition imposed by such permit, or in violation of any NPDES permit filing requirement established under Section 39(b), or in violation of any regulations adopted by the Board or of any order adopted by the Board with respect to the NPDES program.

21. Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), provides as follows:

NPDES Permit Required

- a) Except as in compliance with the provisions of the Act, Board regulations, and the CWA, and the provisions and conditions of the NPDES permit issued to the discharger, the discharge of any contaminant or pollutant by any person into the waters of the State from a point source or into a well shall be unlawful.

22. Section 1362(14) of the CWA, 33 U.S.C.A. § 1362(14) (2011), provides the following definition:

- (14) The term "point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include agricultural stormwater discharges and return flows from irrigated agriculture.

23. The manhole and the storm sewer in the parking lot of the Facility, which discharge into Tyler Creek, are discernible, confined and discrete conveyances, and therefore

constitute a "point source" as that term is defined in Section 1362(14) of the CWA, 33 U.S.C.A. § 1362(14) (2011).

24. Pursuant to Section 12(f) of the Act, 415 ILCS 5/12(f) (2012), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), Respondent was required to obtain an NPDES permit for the discharges into the storm sewer in the parking lot of the Facility that leads to Tyler Creek alleged in this Complaint.

25. Respondent did not have an NPDES permit for the discharges alleged in this Complaint.

26. By failing to obtain an NPDES permit for the discharge of contaminants into the storm sewer in the parking lot of the Facility and Tyler Creek, Respondent violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2012), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a).

WHEREFORE, the Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Pollution Control Board enter an order against the Respondent, A.C.

PAVEMENT STRIPING CO., with respect to this Count IV:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations contained herein;
2. Finding the Respondent has violated Section 12(f) the Act, 415 ILCS 5/12(a) (2012), and Section 309.102(a) of the Board Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a);
3. Ordering the Respondent to cease and desist from future violations of the Act and Board Water Pollution Regulations;

4. Assessing against Respondent a civil penalty of ten thousand dollars (\$10,000.00) for each day of each violation;
5. Taxing all costs against the Respondent, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2012); and
6. Granting such other and further 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 Bureau  
Assistant Attorney General

OF COUNSEL:  
JENNIFER A. VAN WIE  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602  
(312) 814-0609  
ARDC #6278845



pursuant to Section 4 of the Act, 415 ILCS 5/4 (2012).

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.

4. At all times relevant to the Complaint, Respondent owned and operated a pavement striping business.

5. At all times relevant to the Complaint, the Respondent operated its business from a facility located at 695 Church Road, Elgin, Kane County, Illinois ("Facility").

**B. Allegations of Non-Compliance**

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

Count I: Water Pollution, in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2012);

Count II: Water Pollution Hazard, in violation of Section 12(d) of the Act, 415 ILCS 5/12(d) (2012);

Count III: Offensive Conditions, in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2012), and Section 302.203 of the Board Water Pollution Regulations, 35 111. Adm. Code 302.203 and

Count IV: Violation of National Pollutant Discharge Elimination System Permit Requirements, in violation of Section 12(f) of the Act, 415 ILCS 12(f) (2012), and Section 309.102(a) of the Board Water Pollution Regulations, 35 111. Adm. Code 309.102(a).

**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.

The Respondent further asserts that none of the violations alleged in the Complaint and

referenced above were committed willfully or knowingly, and Complainant has made no such allegations.

**D. Compliance Activities to Date**

Upon discovery of paint wastes leaving its Facility, AC Pavement had the water-based paint analyzed to confirm it was not hazardous, utilized the City of Elgin's vacuum trucks to remove the paint-discolored water and soils from the affected areas, properly disposed of these wastes, and reimbursed the City of Elgin for related costs. AC Pavement has also taken steps to ensure that this type of occurrence does not happen again, such as storing paint indoors for the winter and instructing employees that no equipment washing can occur outside the warehouse building at the Facility.

**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 (2012).

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

Section 33(c) of the Act, 415 ILCS 5/33(c) (2012), 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 environment was threatened by the Respondent's violations. Respondent affirms that it had the source of the pollution tested and confirms that it was not a threat to human health.

2. There is social and economic benefit to the Facility.

3. Operation of the Facility was and is suitable for the area in which it is located.

4. It is technically practical and economically reasonable to prevent paint wastes from leaving the Facility and entering waters of the State.

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 discharged water-based paint wastes into local storm sewers which released into Tyler Creek. The violations began on or around March 30, 2012 and were resolved shortly after their discovery.
2. Respondent was diligent in attempting to come back into compliance with the Act and Board regulations once the Illinois EPA notified it of its noncompliance.
3. Any economic benefit derived from the violations will be recouped as part of the civil penalty.
4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Fifteen Thousand Dollars (\$15,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.
5. To Complainant's knowledge, Respondent has no previously adjudicated violations of the Act.
6. Self-disclosure is not at issue in this matter.
7. The settlement of this matter does not include a supplemental environmental

project.

8. A Compliance Commitment Agreement was proposed by Respondent, but rejected by the Illinois EPA.

**V. TERMS OF SETTLEMENT**

**A. Penalty Payment**

1. The Respondent shall pay a civil penalty in the sum of Fifteen Thousand Dollars (\$15,000.00) 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**

1. 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, Illinois 62794-9276

2. The case name and case number shall appear on the face of the certified check or money order.
3. A copy of the certified check or money order and any transmittal letter shall be sent to:

Jennifer A. Van Wie  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
69 W. Washington Street, Suite 1800  
Chicago, Illinois 60602

**D. Future Compliance**

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

**E. Release from Liability**

In consideration of the Respondent's payment of the \$15,000.00 penalty and any accrued interest, its commitment to cease and desist as contained in Section V.D.1 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 July 11, 2013. 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.

**G. 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.

**H. 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.

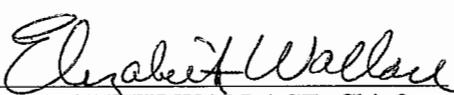
WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS      ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

LISA MADIGAN  
Attorney General  
State of Illinois

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

LISA BONNETT, Director  
Illinois Environmental Protection Agency

BY:   
ELIZABETH WALLACE, Chief  
Assistant Attorney General  
Environmental Bureau

BY:   
JOHN L. KIM  
Chief Legal Counsel

DATE: 6/24/13

DATE: 6/20/13

A.C. PAVEMENT STRIPING CO.

By \_\_\_\_\_

Its \_\_\_\_\_

DATE: \_\_\_\_\_

**H. 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  
State of Illinois

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

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Illinois Environmental Protection Agency

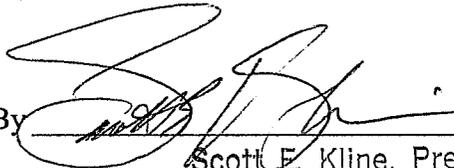
BY: \_\_\_\_\_  
ELIZABETH WALLACE, Chief  
Assistant Attorney General  
Environmental Bureau

BY: \_\_\_\_\_  
JOHN J. KIM  
Chief Legal Counsel

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

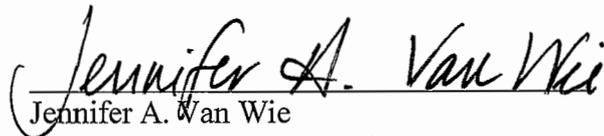
A.C. PAVEMENT STRIPING CO.

By:  \_\_\_\_\_  
Scott E. Kline, President  
Its \_\_\_\_\_

DATE: 6/28/13

**CERTIFICATE OF SERVICE**

I, JENNIFER A. VAN WIE, an Assistant Attorney General, certify that on the 11<sup>th</sup> day of July 2013, I caused to be served by the methods specified in the Service List the foregoing Complaint, Stipulation and Proposal for Settlement, Motion for Relief from Hearing Requirement, and Notice of Filing to the parties named on the attached Service List, by depositing same in postage prepaid envelopes with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601.



Jennifer A. Van Wie  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
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