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**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

FEB 09 2006

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
-vs- )  
)  
CLEAN HARBORS SERVICES, INC., )  
a Massachusetts corporation, )  
)  
Respondent. )

No. 05 PCB - 91  
(Enforcement - Air)

To: See Attached Service List.

**NOTICE OF FILING**

TO: See Attached Service List  
(VIA ELECTRONIC FILING)

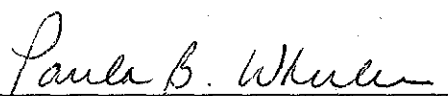
PLEASE TAKE NOTICE that today I have filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following Stipulation and Proposal for Settlement, and Motion to Request Relief from Hearing Requirement, copies of which are attached and hereby served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN  
Attorney General  
State of Illinois

BY:

  
Paula Becker Wheeler  
Assistant Attorney General  
Environmental Bureau  
188 W. Randolph St., 20<sup>th</sup> Floor  
Chicago, Illinois 60601  
312-814-1511

DATE: February 9, 2006

**THIS FILING IS SUBMITTED ON RECYCLED PAPER**

**SERVICE LIST**

Mr. Raeford Craig Lackey  
Chief Counsel, Clean Harbors, Inc.  
200 Arbor Drive  
Suite 300  
Law Department  
Columbia, SC 29223

Mr. Bradley P. Halloran  
Hearing Officer  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, IL. 60601

FEB 09 2006

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS, )  
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 Complainant, )  
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 vs. )  
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 CLEAN HARBORS SERVICES, INC., a )  
 Massachusetts corporation, )  
 )  
 Respondent. )

No. PCB 05 - 91  
(Enforcement - Air)

**MOTION TO REQUEST RELIEF  
FROM HEARING REQUIREMENT**

NOW COMES the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, 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 November 12, 2004, a Complaint was filed with the Pollution Control Board ("Board") in this matter. On February 9, 2006, a Stipulation and Proposal for Settlement was filed with the Board.

2. Section 31(c)(2) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(c)(2), (2004), 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 LISA MADIGAN, Attorney General of the State of Illinois, requests relief from the requirement of a hearing pursuant to 415 ILCS 5/31(c)(2)(2004).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN  
Attorney General of the State of Illinois

By: Paula B. Wheeler

PAULA BECKER WHEELER  
Assistant Attorney General

Environmental Bureau  
188 W. Randolph St., 20th Fl.  
Chicago, Illinois 60601  
(312) 814-1511

Dated: February 9, 2006

ILLINOIS POLLUTION CONTROL BOARD

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 Respondent. )

PCB 05-91

(Enforcement - Air)

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 CLEAN HARBORS SERVICES, INC., ("Respondent"), 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. The parties agree that the statement of facts contained herein represents a fair summary of the evidence and testimony which would be introduced by the parties if a hearing were held. The parties further stipulate that this statement of facts is made and agreed upon for purposes of settlement only and that neither the fact that a party has entered into this Stipulation, nor any of the facts stipulated herein, shall be

introduced into evidence in any other proceeding regarding the claims asserted in the Complaint except as otherwise provided herein. If the Board approves and enters this Stipulation, Respondent agrees to be bound by the Stipulation and Board Order and not to contest their validity in any subsequent proceeding to implement or enforce their terms.

#### **I. JURISDICTION**

The Board has jurisdiction of the subject matter herein and of the parties consenting hereto pursuant to the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/1 et seq. (2004).

#### **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 Stipulation and to legally bind them to it.

#### **III. STATEMENT OF FACTS**

##### **A. Parties**

1. On November 12, 2004, 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(2004), against the Respondent.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2004).

3. At all times relevant to the Complaint, Respondent was and is a Massachusetts corporation that is authorized to transact business in the State of Illinois.

#### **B. Site Description**

1. At all times relevant to this matter, Respondent has operated a hazardous waste treatment, storage and disposal facility on approximately 53 acres of property located along Lake Calumet at 11800 South Stony Island Avenue, Cook County, Chicago, Illinois.

2. The hazardous waste treatment, storage and disposal facility is engaged in the treatment, transfer and/or disposal of hazardous wastes, including paint solvents, emergency response spill clean-ups, spent pesticides, poisons, refinery wastes and household hazardous wastes. The company conducts three principal operations: 1) wastewater treatment and discharge, 2) fuels blending and storage and 3) the consolidation and transfer of hazardous and non-hazardous wastes.

### C. Allegations of Non-Compliance

Complainant contends that the Respondent has violated the following provisions of the Act, Board and federally delegated regulations and Operating Permit No. 94100016:

- Count I: Failure to Comply with Permit Requirements, in violation of Section 9(b) of the Act, 415 ILCS 5/9(b) (2002), and Special Condition 5 of its Operating Permit No. 94100016.
- Count II: Failure to Comply with Pollution Control Board's Emission Standards for "Other Emission Units", in violation of Section 9(a) of the Act, 415 ILCS 5/9(a) (2002), and 35 Ill. Adm. Code 218.986.
- Count III: Failure to Comply with National Emission Standards for Hazardous Air Pollutants from Off-site Waste and Recovery Operations - Requirements for Closed Vent Systems and Control Devices, in violation of Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2002), and 40 C.F.R. 63.693(d) (1).
- Count IV: Failure to Comply with National Emission Standards for Hazardous Air Pollutants from Off-site Waste and Recovery Operations - Reporting Requirements, in violation of Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2002), 40 C.F.R. 63.697(a) (1), and 40 C.F.R. 63.9(b) (1) (i) and (h) (2).
- Count V: Failure to Comply with National Emission Standards for Hazardous Air Pollutants from Off-site Waste and Recovery Operations - Requirements for Tanks, in violation of Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2002) and 40 C.F.R. 63.685(g) (1) (ii) and (iii) (2001).
- Count VI: Failure to Comply with National Emission Standards for Containers, in violation of Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2002), 40 C.F.R. 63.688(b) (3) (i), and 40 C.F.R. 63.923(d) (2001).



**D. 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 III.C herein, and this Stipulation shall not be interpreted as including such admission.

**IV. APPLICABILITY**

This Stipulation shall apply to and be binding upon the Complainant and the Respondent, and any officer, director, agent, or employee of the Respondent, as well as any successors or assigns of the Respondent. 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.

1. No change in ownership, corporate status or operator of the facility shall in any way alter the responsibilities of the Respondent under this Stipulation and Proposal for Settlement. In the event of any conveyance of title, easement or other

interest in the facility, the Respondent shall continue to be bound by and remain liable for performance of all obligations under this Stipulation.

2. In the event that the Respondent proposes to sell or transfer any real property or operations subject to any Order accepting and adopting the terms of this Stipulation and Proposal for Settlement, the Respondent shall notify the Complainant 30 days prior to the conveyance of title, ownership or other interest, including a leasehold interest in the facility or a portion thereof. The Respondent shall make the prospective purchaser or successor's compliance with any Order accepting and adopting the terms of this Stipulation a condition of any such sale or transfer and shall provide a copy of this Stipulation and any Order accepting and adopting the terms of this Stipulation to any such successor in interest. This provision does not relieve the Respondent from compliance with any regulatory requirement regarding notice and transfer of applicable facility permits.

3. The Respondent shall notify each contractor to be retained to perform work required by any Order accepting and adopting the terms of this Stipulation of each of the requirements of said Order relevant to the activities to be performed by that contractor, including all relevant work schedules and reporting deadlines, and shall provide a copy of this Stipulation and any Order accepting and adopting the terms of this Stipulation to

each contractor already retained no later than 30 days after the date of adoption of this Stipulation. In addition, the Respondent shall provide copies of all schedules for implementation of the provisions of this Stipulation to the prime vendor(s) supplying the control technology systems and other equipment required by any Order accepting and adopting the terms of this Stipulation.

#### **V. COMPLIANCE WITH OTHER LAWS AND REGULATIONS**

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, 35 Ill. Adm. Code, Subtitles A through H.

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

Section 33(c) of the Act, 415 ILCS 5/33(c) (2004), 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 the following:

1. Human health and the environment were moderately affected and the Illinois EPA's information gathering responsibilities were hindered by the Respondent's violations.
2. There is social and economic benefit to the facility.
3. Operation of the facility was suitable for the area in which it occurred.
4. Compliance with its permit conditions and compliance with the emission standards of the Board's regulations and applicable federally-delegated programs is both technically practicable and economically reasonable.
5. Respondent has subsequently complied with the Act, the Board Regulations, NESHAP Regulations, and its Permit Condition.

#### **VII. CONSIDERATION OF SECTION 42(h) FACTORS**

Section 42(h) of the Act, 415 ILCS 5/42(h) (2004), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency; and
7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform.

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

1. The Respondent failed to comply with its Operating Permit, Board regulations and applicable NESHAP standards for controlling organic material emissions. The violations began on or around 2001 and continued until at least 2004.

2. Respondent became diligent in attempting to come back into compliance with the Act, Board regulations and applicable federal regulations, once the Illinois EPA sought to initiate formal enforcement.

3. The Respondent may have enjoyed a limited measure of economic benefit by not controlling the odors or VOM, but the penalty received negates any economic benefit accrued.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Ninety-Five Thousand (\$95,000.00) 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 previously adjudicated violations of the Act, with at least one case filed in Cook County, Illinois, 95 CH 11675. A Consent Order was entered on December 6, 1995.

6. Self-disclosure is not at issue in this matter.

7. The settlement of this matter does include a supplemental environmental project, as stated in Section VIII.B.

#### VIII. TERMS OF SETTLEMENT

##### A. Penalty Payment

1. The Respondent shall pay a civil penalty in the sum of Ninety-Five Thousand Dollars (\$95,000.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation. The penalty described in this Stipulation shall be paid by certified

check, money order or electronic funds transfer payable to the Illinois EPA, designated to the Illinois Environmental Protection Trust Fund and submitted to:

Illinois Environmental Protection Agency  
Fiscal Services Section  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276

The name and number of the case and Respondent's Federal Employer Identification Number (FEIN), shall appear on the check. A copy of the certified check, money order or record of electronic funds transfer and any transmittal letter shall be sent to:

Paula Becker Wheeler  
Assistant Attorney General  
Environmental Bureau  
188 W. Randolph St., 20<sup>th</sup> Floor  
Chicago, Illinois 60601

Robb H. Layman  
Assistant Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

2. Pursuant to Section 42(g) of the Act, 415 ILCS 5/42(g) (2004), interest shall accrue on any payment not paid within the time period prescribed above at the maximum rate allowable under Section 1003(a) of the Illinois Income Tax Act, 35 ILCS 5/1003 (2004). Interest on any unpaid payment shall begin to accrue from the date the payment is due and continue to accrue until the

date payment is received. When partial payment(s) are made, such partial payment shall be first applied to any interest on unpaid payment then due and owing. All interest on payment owed shall be paid by certified check, money order or electronic funds transfer, payable to the Illinois EPA, designated to the Illinois Environmental Protection Trust Fund and delivered to the address and in the manner described above.

3. For purposes of payment and collection, Respondent may be reached at the following address:

Raeferd Craig Lackey, Esquire  
Vice President & Chief Counsel  
Clean Harbors Services, Inc.  
200 Arbor Lake Drive  
Suite 300  
Law Department  
Columbia, South Carolina 29223

4. In the event of default of this Section VIII.A, the Complainant shall be entitled to all available relief including, but not limited to, reasonable costs of collection and reasonable attorney's fees, from the Respondent.

**B. Supplemental Environmental Project**

1. In order to promote the goals of the Act to restore, protect and improve the quality of the environment, Respondent shall undertake and complete a Supplemental Environmental Project ("SEP") as approved by the Illinois EPA. The SEP requires that the Respondent make the following improvements to the emissions



control system for the Flammable Storage Tank Farm (see map attached as Exhibit A) within 365 days of the date the Board Order adopts and accepts this Stipulation:

- a. Removal of flame arrestors and conservation vents on each individual tanks;
- b. Addition of flame arrestors and conservation vents at knock-out tanks;
- c. Addition of level sensors at knock-out tanks;
- d. Addition of rupture disks at emergency vents on individual tanks; and
- e. Conversion of two existing stacks to one fifty-foot stack.

See the tanks and vessels listed on the attached Exhibit B.

2. Respondent shall apply for and obtain all proper permits for the upgrades listed above. The value of the upgrades is approximately \$155,000.00. These upgrades are not necessary or required under Respondent's operating permit; they do, however, improve, protect and reduce risks to the public health and environment by reducing annual HAPs emissions into the atmosphere at the Clean Harbors facility.

Within 180 days of the completion of the improvements to the emission control system listed above in Section VIII.B.1, Respondent shall file a Completion Report, which will include all costs incurred for the improvements. Said report shall be sent

to Robb Layman of the Illinois EPA at the address listed in Section VIII.A, with a copy to Assistant Attorney General Paula Becker Wheeler. In the event that the Respondent incurs actual costs that are less than the proposed amount of \$155,000.00 to perform the SEP, the Respondent shall tender the difference in the amount so that the sum expended will be \$155,000.00 whether as SEP costs or cash penalty, exclusive of the previously paid \$95,000.00 penalty. Said amount will be tendered in a certified check to the Illinois EPA, designated to the Illinois Environmental Trust Fund as stated in Section VIII.A of this Stipulation. This check shall be received within 30 days of the filing of the Completion Report showing the costs incurred.

3. Any public statement, oral or written made by Respondent concerning this SEP shall include the following language: "This project was undertaken in connection with the settlement of an enforcement action initiated by the State of Illinois."

4. Respondent certifies, as of the date of the filing of this Stipulation and Proposal for Settlement, it is not required by federal, state or local law, regulation, permit, order or other enforcement agreement, to perform any actions relating to the SEP required herein. Respondent further certifies it has not received, nor is it negotiating the receipt of credit, penalty offset or other benefit from this SEP in any other manner.

### C. Future Operations

1. As part of this settlement agreement, Clean Harbors has represented that it has corrected the past noncompliance that is the subject matter of the Complaint. As to the fuel blending operations, which historically involved the Pegasus unit and other activities performed at Building 43, Clean Harbors has represented that said operations have ceased and are no longer in use by the company as of the date of entry of the Stipulation and Settlement Agreement.

2. In the future, if the operations that were previously performed at Building 43 during 2001 and 2002 are re-commenced, Clean Harbors shall submit a construction permit application to the Illinois EPA at least 90 days in advance of re-commencement of said operations. Further, such operations shall not re-commence until a permit has been issued by the Illinois EPA.

3. In addition, Clean Harbors shall conduct any emissions testing of the Building 43 operations that may be requested by the Illinois EPA in conjunction with the afore-said re-commencement of operations, which shall include a written emissions testing protocol submitted to the Illinois EPA's Division of Air Pollution Control/Source Monitoring Unit at least 60 days in advance of testing.

**D. Future Use**

Notwithstanding any other language in this Stipulation to the contrary, and in consideration of the mutual promises and conditions contained in this Stipulation, including the Release from Liability contained in Section VIII.F, below, the Respondent hereby agrees that 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 promulgated thereunder for all violations alleged in the Complaint in this matter, for purposes of Section 39(a) and (i) and/or 42(h) of the Act, 415 ILCS 5/39(a) and(i) and/or 5/42(h) (2004). Further, Respondent agrees to waive any rights to contest, in any subsequent enforcement action or permit proceeding, any allegations that these alleged violations were adjudicated.

**E. Cease and Desist**

The Respondent shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint as outlined in Section III.C ("Allegations of Non-Compliance") of this Stipulation.

**F. Release from Liability**

In consideration of the Respondent's payment of the \$95,000.00 penalty and any specified costs and accrued interest, its completion of its Supplemental Environmental Project, its

commitment to Cease and Desist as contained in Section VIII.E and upon the Pollution Control Board's acceptance and approval of the terms of this Stipulation and Proposal for Settlement, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for 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 November 12, 2004. 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 or the Illinois EPA 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. Right of Entry**

In addition to any other lawful authority, the Illinois EPA, its employees and representatives, and the Attorney General, her agents 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 carrying out inspections. 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.

**H. Correspondence, Reports and Other Documents**

Any and all correspondence, reports and any other documents required under this Stipulation, except for payments pursuant to Sections VIII.A ("Penalty Payment") of this Stipulation shall be submitted as follows:

As to the Complainant

Paula Becker Wheeler  
Assistant Attorney General (or other designee)  
Environmental Bureau  
188 W. Randolph St., 20<sup>th</sup> Floor  
Chicago, Illinois 60601

Joseph Kotas  
Field Operations Section  
Illinois EPA  
9511 West Harrison  
Des Plaines, IL 60016

As to the Respondent

Raeford Craig Lackey, Esquire  
Vice President & Chief Counsel  
Clean Harbors Services, Inc.  
200 Arbor Lake Drive  
Suite 300  
Law Department  
Columbia, South Carolina 29223

**I. Modification of Stipulation**

The parties may, by mutual written consent, agree to extend any compliance dates or modify the terms of this Stipulation. A request for any modification shall be made in writing and submitted to the contact persons identified in Section VIII.H. Any such request shall be made by separate document, and shall not be submitted within any other report or submittal required by this Stipulation. Any such agreed modification shall be in writing, signed by authorized representatives of each party, and then accompany a joint motion to the Illinois Pollution Control Board seeking a modification of the prior order approving and accepting the Stipulation to approve and accept the Stipulation as amended.

**J. Enforcement of Board Order**

1. Upon the entry of the Board's Order approving and accepting this Stipulation and Proposal for Settlement, that Order is a binding and enforceable order of the Illinois

Pollution Control Board and may be enforced as such through any and all available means.

2. Respondent agrees that notice of any subsequent proceeding to enforce the Board Order approving and accepting this Stipulation and Proposal for Settlement may be made by mail to the contact person for Respondent identified in Section VIII.H, and further waives any requirement of service of process.

3. The parties agree that, if the Board does not approve and accept this Stipulation and Proposal for Settlement, then neither party is bound by the terms herein.

4. It is the intent of the Complainant and Respondent that the provisions of this Stipulation and Proposal for Settlement and any Board Order accepting and approving such shall be severable, and should any provision be declared by a court of competent jurisdiction to be inconsistent with state or federal law, and therefore unenforceable, the remaining clauses shall remain in full force and effect.

**K. Execution of Document**

This Stipulation and Proposal for Settlement shall become effective only when executed by all parties and approved by the Board. This Stipulation may be executed by the parties in one or more counterparts, all of which taken together, shall constitute one and the same instrument.



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

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN  
Attorney General  
State of Illinois

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

BY: \_\_\_\_\_  
ROSEMARIE CAZEAU, Chief  
Environmental Bureau  
Assistant Attorney General

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

ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY

BY: \_\_\_\_\_  
ROBERT A. MESSINA  
Chief Legal Counsel

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

CLEAN HARBORS SERVICES, INC.

BY: R. Craig Lackey, Esq.  
R. CRAIG LACKEY, Esq.  
Vice President & Chief Counsel

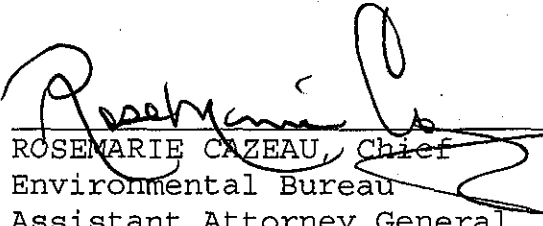
DATE: January 19, 2006

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


PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN  
Attorney General  
State of Illinois

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

BY:  DATE: 2/7/06  
ROSEMARIE CAZEAU, Chief  
Environmental Bureau  
Assistant Attorney General

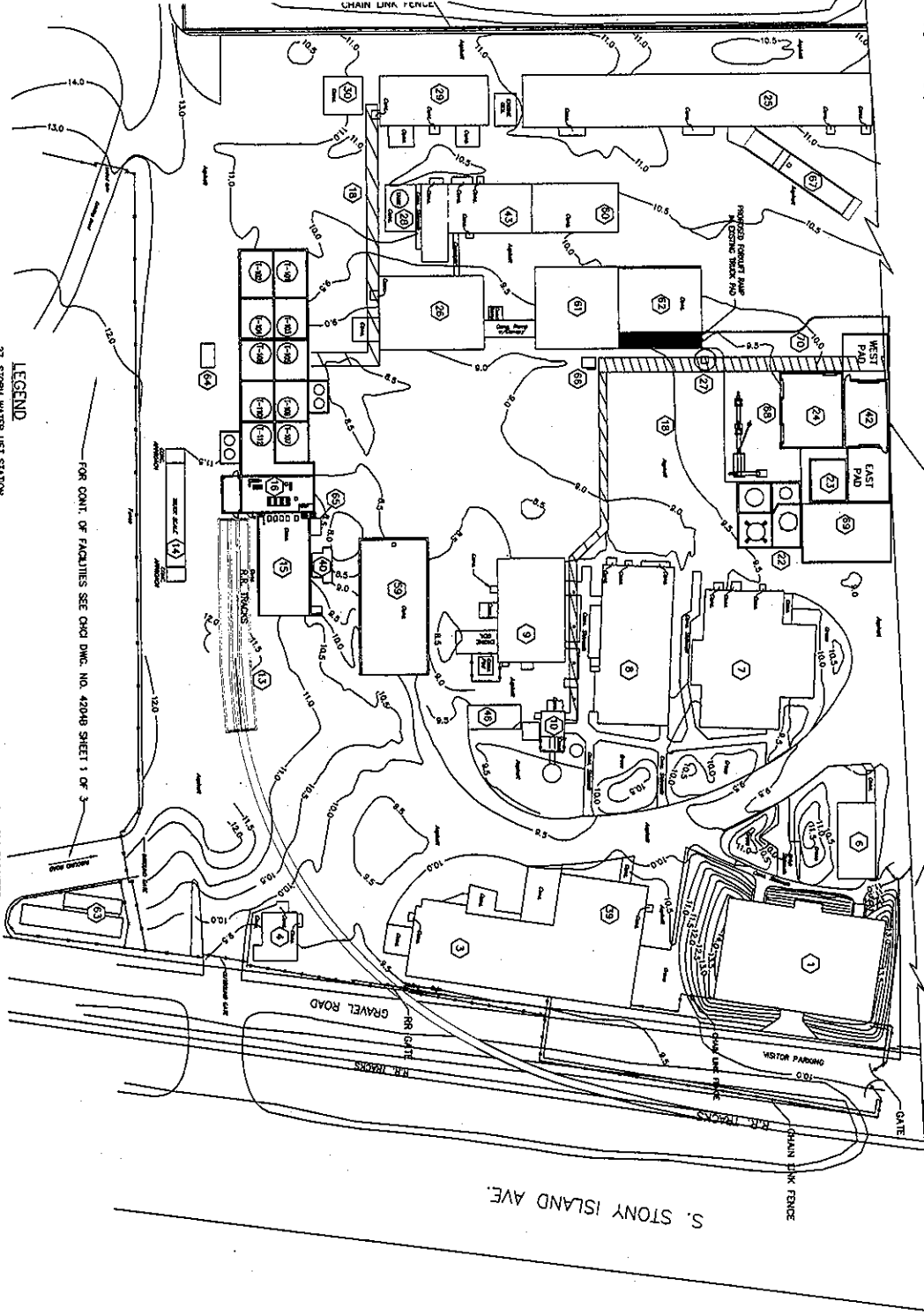
ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY

BY:  DATE: 2/3/06  
ROBERT A. MESSINA  
Chief Legal Counsel

CLEAN HARBORS SERVICES, INC.

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

FOR CONT. OF FACILITIES SEE CHSD DMC. NO. 42048 SHEET 3 OF 3



- LEGEND**
- 1. OFFICE BUILDING
  - 2. MAINTENANCE BUILDING
  - 3. TRANSPORTATION/REWORKING BUILDING
  - 4. PERSONNEL TRAINING CENTER
  - 5. LABORATORY BUILDING
  - 6. CONTROL BUILDING
  - 7. BULK OIL UNLOADING AREA (SEE CHSD DMC. NO. 4217)
  - 8. TRUCK UNLOADING PLATFORM (SEE CHSD DMC. NO. 4249)
  - 9. PIPE RACKS
  - 10. SHREDDING PROCESS CONTROL ROOM (SEE CHSD DMC. NO. 4215)
  - 11. PLUMBER WORK AREA (SEE CHSD DMC. NO. 4215)
  - 12. SHREDDING PROCESS CONTROL ROOM (SEE CHSD DMC. NO. 4215)
  - 13. CONTAINER MANAGEMENT BUILDING (SEE CHSD DMC. NO. 4215 SHEET 3 OF 3)
  - 14. CONTAINER MANAGEMENT BUILDING (SEE CHSD DMC. NO. 4215 SHEET 3 OF 3)
  - 15. CONTAINER MANAGEMENT BUILDING (SEE CHSD DMC. NO. 4215 SHEET 3 OF 3)
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  - 92. CONTAINER MANAGEMENT BUILDING (SEE CHSD DMC. NO. 4215 SHEET 3 OF 3)

1	ADDED AREAS 66, 69 & 70. CHANGED TILES OF AREAS 22, 23, 24 & 42
0	AS BUILT
D	ADDED CONTOUR LINES AND GROUND SURFACE
0	NOTATION REVERSED TITLE OF BUILDING 39.
C	RELOCATED 58. TRUCK SIGNING AREA (PROPOSED)

CHSI DWG. NO. 42048  
01/19/00

CLEAN HARBORS SERVICES, INC.  
11900 S. STONY ISLAND AVENUE  
CHICAGO, ILLINOIS 60617

SITE PLAN -  
EXISTING & MODIFIED ACTIVITIES  
SHEET 2 OF 3  
2916-C-21

**Clean Harbors**  
ENVIRONMENTAL SERVICES, INC.  
501 West Madison Street, Suite 6015  
Chicago, IL 60601  
Telephone: (773) 488-7800/1800

REV	DATE	DESCRIPTION	BY	CHK	APP
1	01/19/00	SEE REVISION NOTE 1	AAA	AAA	AAA
0		SEE REVISION NOTE 0	KAC	BAR	JWS
D		SEE REVISION NOTE D	KAC	BAR	JWS
C		SEE REVISION NOTE C	KAC	BAR	JWS
B		ISSUED FOR PERMIT	KAC	BAR	JWS
A		RCPA PART B MODIFICATION	KAC	BAR	JWS

## EXHIBIT B

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Clean Harbors Svcs Inc  
RCRA Log No. B-16

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142	(1)	Sludge Conditioning Tank	1,270	3/16	Carbon Steel
149	(2)	Sand Filter	750	3/32	Carbon Steel
150	(1)	Backwash Collection Tank	3,770	3/16	Carbon Steel
152	(2)	Carbon Adsorption Unit	1,300	3/16	Carbon Steel
153	(1)	Treated Effluent Tank	2,640	3/16	Carbon Steel

iii. Hazardous Waste Fuel Blending Operation (Unit 43) Existing

<u>Tank Numbers</u>	<u>No. of Units</u>	<u>Description</u>	<u>Maximum Capacity In Gallons</u>	<u>Minimum Shell Thickness of Tank (inches)</u>	<u>Material of Construction</u>
161-21	(1)	Dispersion Tank	1,225	3/16	Carbon Steel
161-22	(1)	Overflow Tank	275	3/16	Carbon Steel

iv. Flammable Storage Tank Farm (Unit 16) Existing

<u>Tank Numbers</u>	<u>No. of Units</u>	<u>Description</u>	<u>Maximum Capacity In Gallons</u>	<u>Minimum Shell Thickness of Tank (inches)</u>	<u>Material of Construction</u>
158	(5)	Tanks TK-103, TK-104, TK-105, TK-106, TK-108. Hazardous Waste Fuel Storage Tanks	12,800	0.167	Carbon Steel
159	(1)	Tank TK-112. Neutral pH waters, lean waters and/or hazardous waste fuel storage tank.	19,600	0.167	Carbon Steel

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177	(2)	Tanks TK-101 and TK-107. Mild acidic waters, lean waters, and/or hazardous waste fuel storage tanks.	12,800	0.158	Stainless Steel
180	(1)	Tank TK-102. Hazardous Waste Fuel and PCB Storage Tank.	12,800	0.167	Carbon Steel
183	(1)	Tank TK-110. Hazardous Waste Fuel and PCB Storage Tank.	12,800	0.167	Carbon Steel

v. Flammable Storage Tank Farm (Unit 22) Proposed

<u>Tank Numbers</u>	<u>No. of Units</u>	<u>Description</u>	<u>Maximum Capacity In Gallons</u>	<u>Minimum Shell Thickness of Tank (inches)</u>	<u>Material of Construction</u>
414	(1)	Hydropulpar	3490	0.05	carbon steel
415, 416	(2)	Blended Liquid Storage Tank	10,558	0.105	carbon steel
417	(1)	Diluent Feed Tank	15,547	0.167	carbon steel
418	(1)	Metalwash Solvent Storage Tank	6,136	0.054	carbon steel
424	(1)	Metal Wash Tank	3730	0.5	carbon steel
427	(1)	Rinse Tank	987	0.5	carbon steel

**CERTIFICATE OF SERVICE**

I, PAULA BECKER WHEELER, an Assistant Attorney General in this case, do certify that I caused to be served this 9th day of February, 2006, the foregoing Stipulation and Proposal for Settlement, Motion for Request for Relief from Hearing Requirement and Notice of Filing upon the persons listed on said Notice by depositing same in an envelope, by first class postage and certified mail prepaid, with the United States Postal Service at 188 West Randolph Street, Chicago, Illinois, at or before the hour of 5:00 p.m.

  
PAULA BECKER WHEELER

February 9, 2006