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OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

STATE OF ILLINOIS  
Pollution Control Board

**Lisa Madigan**  
ATTORNEY GENERAL

October 28, 2009

John T. Therriault, Assistant Clerk  
Assistant Clerk of the Board  
Illinois Pollution Control Board  
James R. Thompson Center, Ste. 11-500  
100 West Randolph  
Chicago, Illinois 60601

PCB10-29

Re: **People v. Waste Management of Illinois, Inc.**  
**Pollution Control Board**

Dear Clerk:

Enclosed for filing please find the original and ten copies of a Notice of Filing, Complaint, Motion for Relief from Hearing Requirement and Stipulation and Proposal for Settlement in regard to the above-captioned matter. Please file the originals and return file-stamped copies to me in the enclosed envelope.

Thank you for your cooperation and consideration.

Very truly yours,

Christine Zeivel  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

CZ/pjk  
Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. )  
)  
WASTE MANAGEMENT OF ILLINOIS, )  
INC., a subsidiary of WASTE )  
MANAGEMENT, INC., )  
)  
Respondent. )

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10-28 NOV 02 2009  
PCB No. STATE OF ILLINOIS  
(Water-Enforcement) Control Board

NOTICE OF FILING

To: Dennis Wilt  
Waste Management, Inc. - Midwest Group  
720 E. Butterfield Road  
Lombard, IL 60148

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, a COMPLAINT, MOTION FOR RELIEF FROM HEARING REQUIREMENT and STIPULATION AND PROPOSAL FOR SETTLEMENT, copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,  
Attorney General of the  
State of Illinois

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

BY:   
CHRISTINE ZEIVEL  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: October 28, 2009

**CERTIFICATE OF SERVICE**

I hereby certify that I did on October 28, 2009, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING, COMPLAINT, MOTION FOR RELIEF FROM HEARING REQUIREMENT and STIPULATION AND PROPOSAL FOR SETTLEMENT:

To: Dennis Wilt  
Waste Management, Inc. - Midwest Group  
720 E. Butterfield Road  
Lombard, IL 60148

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To: John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
Suite 11-500  
100 West Randolph  
Chicago, Illinois 60601

  
CHRISTINE ZEIVEL  
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 WASTE MANAGEMENT OF ILLINOIS, INC., )  
 a subsidiary of WASTE MANAGEMENT, INC., )  
 )  
 Respondent. )

PCB NO. 10-  
(Enforcement)

10-29

RECEIVED  
CLERK'S OFFICE

NOV 02 2009

STATE OF ILLINOIS  
Pollution Control Board

COMPLAINT

The PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, complain of the Respondent, WASTE MANAGEMENT OF ILLINOIS, INC., as follows:

COUNT I  
WATER POLLUTION

1. This Complaint is brought on behalf of the People of the State of Illinois, *ex rel.* LISA MADIGAN, the Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to Section 42 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/42 (2006).

2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly under Section 4 of the Act, 415 ILCS 5/4 (2006), and which is charged, *inter alia*, with the duty of enforcing the Act.

4. WASTE MANAGEMENT OF ILLINOIS, INC. ("WMI") is a foreign corporation registered to do business in this State with the Illinois Secretary of State's Office. WMI is a subsidiary of Waste Management, Inc., with corporate headquarters in Houston, Texas.

5. WMI provides solid waste collection and disposal in the State of Illinois.

6. On July 23, 2007, a truck driver employed by the Respondent was operating a garbage truck in Galesburg, Knox County, Illinois. While backed in and parked in the north maintenance drive of Henry Hill prison, the driver discharged a pink colored liquid waste from a pipe running from behind the cab on the passenger-side of the truck into a storm sewer inlet, owned by the City of Galesburg, along Linwood Road.

7. The July 23, 2007 discharge from the WMI truck deposited a pool of milky liquid and food particles around the storm sewer inlet.

8. Section 12 of the Act, 415 ILCS 5/12 (2006), provides, in pertinent part, as follows:

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.

\* \* \*

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

\* \* \*

(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.

\* \* \*

9. Section 304.106 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.106, prohibits offensive discharges into waters of the State:

[N]o effluent shall contain settleable solids, floating debris, visible oil, grease, scum or sludge solids. Color, odor and turbidity must be reduced to below obvious levels.

10. Section 3.545 of the Act, 415 ILCS 5/3.545 (2006), provides:

"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.

12. The Respondent, WMI, is a "person" as that term is defined under Section 3.315 of the Act, 415 ILCS 5/3.315 (2006), as follows:

"Person" is any individual, partnership, copartnership, 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, agency or assigns.

11. The storm sewer inlet along Linwood Road discharges into Cedar Creek, which is a "water" of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2006), as follows:

"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.

13. The Respondent's discharge is a "contaminant" as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2006), as follows:

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

14. By discharging material containing solids and obvious color from its garbage truck into a storm sewer inlet in Galesburg, Illinois, the Respondent, WMI, caused offensive discharges into waters of the State in violation of Section 304.106 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.106.

15. By discharging a pink colored liquid waste from its garbage truck into a storm sewer, the Respondent, WMI, caused, allowed or threatened the discharge of contaminants so as to cause water pollution and as to violate regulations or standards adopted by the Board, thereby violating Section 12(a) of the Act, 415 ILCS 5/12(a) (2006).

16. By depositing a pool of milky liquid and food particles in the area around the storm sewer inlet, the Respondent, WMI, created a water pollution hazard, thereby violating Section 12(d) of the Act, 415 ILCS 5/12(d) (2006).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against the Respondent, WMI:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that Respondent has violated the Act and regulations as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;
- D. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000) for each violation of the Act, and an additional penalty of ten thousand dollars (\$10,000) for each day during which each violation has continued thereafter; and
- E. Granting such other relief as the Board may deem appropriate.

**COUNT II**  
**NPDES PERMIT VIOLATIONS**

1-13. Complainant realleges and incorporates herein by reference paragraphs 1 through 13 of Count I as paragraphs 1 through 13 of this Count II.

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

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.

15. By discharging a pink colored liquid waste from its garbage truck into a storm sewer, the Respondent, WMI, discharged contaminants into waters of the State from a point source without coverage under an NPDES permit, thereby violating Section 12(f) of the Act, 415 ILCS 5/12(f) (2006) and Section 309.102(a) of the Board's Water Pollution Regulations.

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against the Respondent, WMI:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that Respondent has violated the Act and regulations as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;
- D. Assessing against Respondent a civil penalty of fifty thousand dollars (\$50,000) for each violation of the Act, and an additional penalty of ten thousand dollars (\$10,000) for each day during which each violation has continued thereafter; and




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

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

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

BY: \_\_\_\_\_

  
THOMAS DAVIS, Chief  
Environmental Bureau  
Assistant Attorney General

Of Counsel  
Christine Zeivel  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: 10/28/09

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. )  
)  
WASTE MANAGEMENT OF ILLINOIS, )  
INC., a subsidiary of WASTE )  
MANAGEMENT, INC., )  
)  
Respondent. )

PCB No. 10-29  
(Water-Enforcement)

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STATE OF ILLINOIS  
Pollution Control Board

MOTION FOR RELIEF FROM HEARING REQUIREMENT

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(c)(2) (2008), moves that the Illinois Pollution Control Board grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2008). In support of this motion, Complainant states as follows:

1. The parties have reached agreement on all outstanding issues in this matter.
2. This agreement is presented to the Board in a Stipulation and Proposal for Settlement, filed contemporaneously with this motion.
3. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not necessary, and respectfully request relief from such a hearing as allowed by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2008).

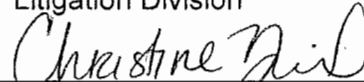
WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2008).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS  
LISA MADIGAN  
ATTORNEY GENERAL

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

BY:



CHRISTINE ZEIVEL  
Environmental Bureau  
Assistant Attorney General

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: October 28, 2009

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. )  
)  
WASTE MANAGEMENT OF ILLINOIS, INC., )  
a subsidiary of WASTE MANAGEMENT, INC. )  
)  
Respondent. )

PCB NO.  
(Water - Enforcement)

RECEIVED  
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NOV 02 2009

STIPULATION AND PROPOSAL FOR SETTLEMENT  
STATE OF ILLINOIS  
Pollution Control Board

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 WASTE MANAGEMENT OF ILLINOIS, INC. ("WMI") ("Respondent") ("Parties to the Stipulation"), have agreed to the making of this Stipulation and Proposal for Settlement ("Stipulation") and submit it to the Illinois Pollution Control Board ("Board") for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board's approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/1 *et seq.* (2008), and the Board's Regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to the Stipulation that it be a final adjudication of this matter.

**I. STATEMENT OF FACTS**

**A. Parties**

1. A Complaint was filed simultaneously with this Stipulation and Proposal for Settlement 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 (2008), 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 (2008).

3. WMI is a foreign corporation registered to do business in this State with the Illinois Secretary of State's Office. WMI is a subsidiary of Waste Management, Inc., with corporate headquarters in Houston, Texas.

5. WMI provides solid waste collection and disposal in the State of Illinois.

6. On July 19, 2007, a truck driver employed by the Respondent, WMI, was operating a garbage truck in Galesburg, Knox County, Illinois. While backed in and parked in the north maintenance drive of Henry Hill prison, the driver discharged a pink colored liquid waste from a pipe running from behind the cab on the passenger-side of the truck into a storm sewer inlet, owned by the City of Galesburg, along Linwood Road.

7. The July 19, 2007 discharge from the WMI truck deposited a pool of milky liquid and food particles around the storm sewer inlet.

## **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**

By discharging material containing solids and obvious color from its garbage truck into a storm sewer inlet in Galesburg, Illinois, the Respondent, WMI, caused offensive discharges into waters of the State in violation of Section 304.106 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.106.

By depositing a pool of milky liquid and food particles in the area around the storm sewer inlet, the Respondent, WMI, created a water pollution hazard, thereby violating Section 12(d) of the Act, 415 ILCS 5/12(d) (2008).

**Count II: NPDES Permit Violations**

By discharging a pink colored liquid waste from its garbage truck into a storm sewer, the Respondent, WMI, discharged contaminants into waters of the State from a point source without coverage under an NPDES permit, thereby violating Section 12(f) of the Act, 415 ILCS 5/12(f) (2008) and Section 309.102(a) of the Board's Water Pollution Regulations.

**C. Admission of Violations**

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

**D. Compliance Activities to Date**

The Respondent, WMI, has conducted spill prevention classes for its approximately 600 drivers at all of its Illinois facilities to ensure proper liquids management and disposal. This training includes a newly instituted three-step approach to ensure proper liquid management: (1) utilizing the spill kit equipped on each hauling vehicle; (2) contacting Route Supervisor for additional spill kits as needed; (3) consulting Route Supervisor as to whether the hauling vehicle should empty its load at a designated landfill immediately should the spill absorbents prove inadequate.

**II. APPLICABILITY**

This Stipulation shall apply to and be binding upon the Parties to the Stipulation, 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. 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 (2008).

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

Section 33(c) of the Act, 415 ILCS 5/33(c) (2008), 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. Human health and the environment were threatened by the Respondent's violations.
2. There is social and economic benefit to the waste disposal service provided by the Respondent.

3. Operation of the hauling vehicle was suitable for the area in which it occurred.
4. Compliance with the Act and Board regulations is both technically practicable and economically reasonable.
5. Respondent has subsequently complied with the Act and the Board Regulations and instituted statewide liquids management training for all of its employee drivers.

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

Section 42(h) of the Act, 415 ILCS 5/42(h) (2008), 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 to the Stipulation state as follows:

1. The discharge that is subject of the Complaint appears to be an isolated event, occurring on July 19, 2007.
2. The Respondent was diligent in coming back into compliance with the Act, Board regulations and applicable federal regulations, once notified it of its noncompliance. WMI acknowledged the discharge and instituted training for its drivers on how to manage excessive liquids in their trucks to prevent spills on the road.
3. The Respondent estimates that costs of the statewide liquids management training conducted in response to the violations at \$6,000. Utilizing the United States Environmental Protection Agency's BEN model, the Respondent obtained a \$2,994.00 economic benefit from its noncompliance, including the additional costs related to utilizing one or more additional hauling vehicles or additional trips to the landfills and personnel in order to avoid the over-capacity concerns regarding the waste water at the time of the incident.
4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Nine Thousand and Five Hundred Dollars (\$9,500.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.
5. In 2000, the Illinois Attorney General's Office brought suit against WMI for discharging excessive non-sanitary waste materials to a wastewater treatment facility and WMI paid a \$10,000 penalty. In 2004, the Illinois Attorney General's Office brought suit against WMI for illegally accepting and disposing of hazardous waste in a county landfill and WMI paid a \$20,000 penalty.
6. Self-disclosure is not at issue in this matter.

7. The settlement of this matter does not include a supplemental environmental project.

## V. TERMS OF SETTLEMENT

### A. Penalty Payment

1. The Respondent shall pay a civil penalty in the sum of Nine Thousand Five Hundred Dollars (\$9,500.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

### B. Interest and Default

1. If the Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, the Respondent shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by the Respondent not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

### C. Payment Procedures

All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

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

The name, case number and the Respondent's federal tax identification number shall appear on the face of the certified check or money order. A copy of the certified check or money order and any transmittal letter shall be sent to:

Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62706

**D. Future Compliance**

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

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

**E. Release from Liability**

In consideration of the Respondent's payment of the \$9,500.00 penalty and its commitment to cease and desist as contained in Section V.D. 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 simultaneously with this Stipulation and Proposal for Settlement. 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 (2008), or entity other than the Respondent.

**F. Enforcement and Modification of Stipulation**

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

**G. Execution of Stipulation**

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

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

PEOPLE OF THE STATE OF  
ILLINOIS,


ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

LISA MADIGAN  
Attorney General  
State of Illinois

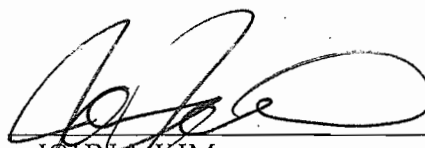
DOUGLAS P. SCOTT, Director  
Illinois Environmental Protection Agency

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

BY:

  
THOMAS DAVIS, Chief  
Environmental Bureau  
Assistant Attorney General

BY:

  
JOHN J. KIM  
Chief Legal Counsel

DATE:

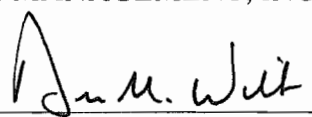
10/28/09

DATE:

10/27/09

WASTE MANAGEMENT OF  
ILLINOIS, INC., a subsidiary of  
WASTE MANAGEMENT, INC.

BY:

  
Name: Dennis M. Wilt

Title: Vice President

DATE:

09/09/09

