

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS

Complainant,

v.

WASTE HAULING LANDFILL, INC., JERRY
CAMFIELD, A.E. STALEY MANUFACTURING
CO., ARCHER DANIELS MIDLAND, INC.,
ARAMARK UNIFORM SERVICES, INC., BELL
SPORTS, INC., BORDEN CHEMICAL CO.,
BRIDGESTONE/FIRESTONE, INC., CLIMATE
CONTROL, INC., CATERPILLAR INC., COMBE
LABORATORIES, INC., GENERAL ELECTRIC
RAILCAR SERVICES CORPORATION, P & H
MANUFACTURING, INC., TRINITY RAIL
GROUP, INC., TRIPLE S REFINING
CORPORATION, and ZEXEL ILLINOIS, INC.,

Respondents.

PCB No. 10-9

(Enforcement - Land, Cost Recovery)

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CLERK'S OFFICE
AUG 11 2010
STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

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

Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274

Matthew J. Dunn, Chief
James L. Morgan, Sr. Assistant Attorney General
Environmental Bureau
Environmental Enforcement/Asbestos
Litigation Division
500 South Second Street
Springfield, IL 62706

SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on this date I have filed with the Office of the Clerk of the Pollution Control Board the Agreed Motion to Stay and accompanying Status Report, copies of which are herewith served upon you.

Dated: August 11, 2010

TRIPLE S REFINING CORPORATION

By: _____

Jeffrey J. Freeman
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, IL 60654-3406
Telephone: (312) 862-2000
Facsimile: (312) 862-2200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of August, 2010, the original and ten true and correct copies of the foregoing **MOTION TO STAY** and accompanying **STATUS REPORT** were filed by messenger upon:

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

and that copies were served this same date by overnight courier upon:

Carol Webb, Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, IL 62794-9274

Matthew J. Dunn, Chief
James L. Morgan, Sr. Assistant Attorney General
Environmental Bureau
Environmental Enforcement/Asbestos Litigation
Division
500 South Second Street
Springfield, IL 62706

and that copies were served this same date by United States Mail, with postage thereon fully prepaid, upon:

SEE ATTACHED SERVICE LIST



Jeffrey J. Freeman

SERVICE LIST

A.E. STALEY MANUFACTURING CO.

Jeryl Olson
James Curtis
Elizabeth Leifel Ash
SEYFARTH SHAW
131 South Dearborn Street, Suite 2400
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ARCHER DANIELS MIDLAND, INC.

c/o CT Corporation System
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CLIMATE CONTROL, INC.

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**GENERAL ELECTRIC RAILCAR SERVICES
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801 Adlai Stevenson Drive
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Service is currently unavailable for:

WASTE HAULING LANDFILL, INC.

ZEXEL ILLINOIS, INC.

JERRY CAMFIELD SR.

BRIDGESTONE FIRESTONE, INC.

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AGREED MOTION TO STAY PCB NO. 10-9

Pursuant to 35 Ill. Admin. Code § 101.514, Complainant People of the State of Illinois, as represented by the Attorney General of the State of Illinois ("Attorney General"), and Respondent Triple S Refining Corporation ("Triple S") jointly submit this Motion to Stay the above-captioned proceeding (the "Proceeding") as it relates to Triple S. The parties have agreed that a stay of the Proceeding pending the chapter 11 cases of Triple S and its affiliated debtors in the United States Bankruptcy Court for the Southern District of New York is in each party's best interests. Accordingly, and as more fully set forth below, the parties respectfully request a five-month stay of the Proceeding as it relates to Triple S.

1. On January 12, 2009, Triple S filed a petition with the United States Bankruptcy Court for the Southern District of New York under chapter 11 of the Bankruptcy Code.

Triple S's chapter 11 case is being jointly administered with the chapter 11 cases of its parent company, Tronox Incorporated ("Tronox"), and other affiliated debtors. (Case No. 09-10156 (ALG))

2. On July 28, 2009, the Attorney General filed its complaint in this Proceeding. Triple S was served by certified mail on August 18, 2009. In the complaint, the Attorney General alleges that Triple S, *inter alia*, violated 415 ILCS 5/22.2, and seeks removal costs arising out of alleged releases and threatened releases at the Waste Hauling Landfill, a former sanitary landfill located in Macon County, Illinois.

3. On October 20, 2009, Hearing Officer Carol Webb granted a joint motion filed by the Attorney General and Triple S, staying proceedings against Triple S until April 20, 2010. On March 23, 2010, Hearing Officer Webb granted another joint motion that stayed the proceeding with respect to Triple S until July. In a June 3 Order, Hearing Officer Webb extended this stay. *sua sponte*, until August 16, 2010 (the "August Stay").

4. Triple S and its affiliated debtors are currently operating their businesses and managing their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. Triple S and its affiliated debtors have not yet scheduled a confirmation hearing with the Bankruptcy Court, and expect objections to be filed to their plan of reorganization. Due to the complexities and contingencies involved in the plan confirmation process, Triple S and its affiliated debtors anticipate that plan confirmation may not occur until January 2011.

5. A stay of this Proceeding will benefit both the People of Illinois and Triple S. A stay will allow Triple S to conserve precious resources as it continues to pursue its chapter 11 restructuring. These efforts are in the best interests of Triple S's creditors—including creditors

who hold claims related to Triple S's environmental liabilities like those alleged in this Proceeding—because they will maximize the value of Triple S's estate.

WHEREFORE, the Attorney General and Triple S respectfully request that, pursuant to 35 Ill. Admin. Code § 101.514, the Board stay this Proceeding as it relates to Triple S until January 16, 2011, an additional five months from the expiration of the August Stay. The parties further respectfully request that such stay continue to toll any deadlines applicable to this Proceeding, including without limitation, the deadlines applicable to Triple S's filing of any response or answer to the complaint, effective as of September 14, 2009.

Dated: August 11, 2010

PEOPLE OF THE STATE OF ILLINOIS

TRIPLE S REFINING CORPORATION

By:

James Morgan /JTF

By:

Jeffrey J. Zeiger

LISA MADIGAN,
Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief
JAMES L. MORGAN,
Sr. Assistant Attorney General
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STATUS REPORT

Complainant People of the State of Illinois, as represented by the Attorney General of the State of Illinois ("Attorney General"), and Respondent Triple S Refining Corporation ("Triple S") jointly submit this Status Report in conformance with the requirements of 35 Ill. Admin. Code § 101.514(a) and (b).

1. On July 28, 2009, the Attorney General for the State of Illinois filed a complaint with this Board alleging that Triple S, *inter alia*, violated 415 ILCS 5/22.2.
2. Service was effected on Triple S by Certified Mail on August 18, 2009.
3. On September 14, 2009, the parties engaged in discussions concerning staying the above-captioned proceeding (the "Proceeding") as it relates to Triple S pending further developments in Triple S's jointly administered chapter 11 case before the United States

Bankruptcy Court for the Southern District of New York. The parties agreed that a six-month stay of the Proceeding would be appropriate. The parties also agreed to toll the deadlines applicable to Triple S's filing of any response or answer to the complaint, effective September 14, 2009, until the Board adjudicates the parties' agreed motion to stay.

4. On October 20, 2009, Hearing Officer Carol Webb granted a joint motion filed by the Attorney General and Triple S, staying proceedings against Triple S until April 20, 2010.

5. On March 4, 2010, the parties again engaged in discussions concerning staying the Proceeding as it relates to Triple S, and agreed that an additional three-month stay of the Proceeding from the expiration of the October stay would be appropriate. The parties also agreed to continue to toll the deadlines applicable to Triple S's filing of any response or answer to the complaint, effective September 14, 2009.

6. On March 23, 2010, Hearing Officer Carol Webb granted a joint motion filed by the Attorney General and Triple S, staying proceedings against Triple S until July 20, 2010.

7. On June 3, 2010, Hearing Officer Carol Webb extended, *sua sponte*, the July Stay through August 16, 2010 (the "August Stay").

8. On August 9, 2010, the parties again engaged in discussions concerning staying the Proceeding as it relates to Triple S pending further developments in Triple S's jointly administered chapter 11 case before the United States Bankruptcy Court for the Southern District of New York. The parties agreed that an additional five-month stay of the Proceeding from the expiration of the October stay would be appropriate. The parties also agreed to continue to toll the deadlines applicable to Triple S's filing of any response or answer to the complaint, effective September 14, 2009.

Dated: August 11, 2010.

PEOPLE OF THE STATE OF ILLINOIS

By: James Morgan / JTF

LISA MADIGAN,
Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief
JAMES L. MORGAN,
Sr. Assistant Attorney General
Environmental Enforcement/Asbestos
Litigation Department

TRIPLE S REFINING CORPORATION

By: [Signature]

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