

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
vs.)	PCB No.
)	(Enforcement)
DOUGLAS SCHROEDER,)	
)	
Respondent.)	

NOTICE OF ELECTRONIC FILING

To: See Attached Service List

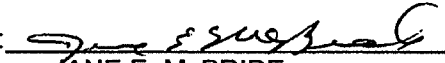
PLEASE TAKE NOTICE that on April 23, 2012, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, c/o John T. Therriault, Assistant Clerk, James R. Thompson Center, 100 W. Randolph St., Ste. 11-500, Chicago, IL 60601, a COMPLAINT, MOTION FOR RELIEF FROM HEARING 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: 
JANE E. McBRIDE
Sr. Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: April 23, 2012

CERTIFICATE OF SERVICE

I hereby certify that I did on April 23, 2012, cause to be served by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the following instruments entitled NOTICE OF ELECTRONIC FILING, COMPLAINT, MOTION FOR RELIEF FROM HEARING REQUIREMENT and STIPULATION AND PROPOSAL FOR SETTLEMENT upon the persons listed on the Service List.


JANE E. McBRIDE
Sr. Assistant Attorney General

This filing is submitted on recycled paper.

SERVICE LIST

Joel A. Benoit
Mohan Alewelt Prillaman & Adami
1North Old Capitol Plaza
Suite 325
Springfield, IL 62701-1323

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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DOUGLAS SCHROEDER,)	
)	
Respondent.)	

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) (2010), 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) (2010). In support of this motion, Complainant states as follows:

1. A Complaint and Stipulation and Proposal for Settlement are being filed simultaneously with the Illinois Pollution Control Board ("Board") in this matter.
2. The parties have reached agreement on all outstanding issues in this matter.
3. This agreement is presented to the Board in a Stipulation and Proposal for Settlement, filed contemporaneously with this motion.
4. 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) (2010).

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) (2010).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
LISA MADIGAN
ATTORNEY GENERAL

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

BY:


JANE E. McBRIDE
Environmental Bureau
Sr. Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
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Dated: April 23, 2012

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COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of Respondent DOUGLAS SCHROEDER as follows:

COUNT I

WATER POLLUTION VIOLATIONS

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, pursuant to Section 42 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/42.
2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4, and charged, *inter alia*, with the duty of enforcing the Act.
3. At all times relevant to this Complaint, Respondent DOUGLAS SCHROEDER ("Schroeder") is and was an individual engaged in farming in the state of Illinois. His address is 1303 E. Walnut Creek, Mahomet, IL 61853.
4. Section 3.165 of the Act, 415 ILCS 5/3.165, provides:

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

5. Section 3.545 of the Act, 415 ILCS 5/3.545, 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.

6. Section 3.550 of the Act, 415 ILCS 5/3.550, provides 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.

7. Section 12 of the Act, 415 ILCS 5/12, provides the following prohibitions:

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;

8. While conducting a fish kill investigation on September 10, 2011, the Illinois EPA discovered discarded soybeans existing in two piles in proximity to a waterway north of the intersection of 100N Road and 4100E Road in McLean County on the east side of 4100 E Road and to the west of 100N Road ("site" or "property"). The waterway is tributary to a receiving tile system that is tributary to the Lotus Drainage District. The Lotus Drainage District tile outlet is located in Section 35 T.22N-R.6E, McLean County. It discharges to Lone Tree Creek which is tributary to the Sangamon River.

9. The larger pile, consisting of more than 50 bushels and possibly as large as 200 bushels, existed in various states of decay west of 100 N Road. This pile had trapped a quantity of water within a box culvert. The consistency of the beans included areas that had

decayed into a black, odorous semi-solid state.

10. The smaller pile was dry and in a lesser state of decay. It was in the watershed of the waterway, near a hole in the local drainage district's field tile. The hole allowed drainage water from the waterway to enter the district's tile system.

11. The presence of decaying organic matter, such as soybeans, in waters of the State not only cause discoloration and odor in the water but also elevates the biochemical oxygen demand ("BOD") of the water.

12. At the time of the inspection, the Illinois EPA inspector determined the owners of the property to be Harold and Douglas Schroeder. Respondent Douglas Schroeder acknowledged that he had dumped the soybeans in the piles. The soybeans were dumped in the two piles after a building in which they were stored was destroyed by a fire on April 14, 2011.

13. The Respondent has caused, allowed or threatened the discharge of contaminants to waters of the State so as to cause or tend to cause water pollution in Illinois or to violate the Board's regulations or standards by discarding soybeans in a waterway tributary to a tile system that discharges to Lone Tree Creek.

14. The Respondent's act of discarding soybeans, left exposed to the elements and uncontained, near or in surface waters of the State has caused, threatened or allowed water pollution that likely rendered the waters of the State harmful or detrimental or injurious to public health, safety or welfare, or to agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish or other aquatic life and likely created a nuisance.

15. By causing and allowing decaying soybeans to come in contact with waters of the State so as to create or likely create a nuisance, the Respondent has caused or tended to cause water pollution in Illinois in violation of Section 12(a) of the Act, 415 ILCS 5/12(a).

PRAYER FOR RELIEF

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

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 the Respondent to cease and desist from any further violations of the Act and associated regulations; and

D. Assessing against Respondent for every violation 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 such violation has continued thereafter, pursuant to Section 42(a) of the Act, 414 ILCS 5/42(a).

COUNT II

WATER POLLUTION HAZARD

1-14. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 14 of Count I as paragraphs 1 through 14 of this Count II.

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

No person shall:

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

16. The Respondent has caused or allowed contaminants to be deposited upon the land in such place and manner as to create a water pollution hazard through its proximity to unnamed waterway, the drainage tile and Lotus Drainage District as well as Lone Tree Creek.

17. By depositing contaminants upon the land in such a place and manner as to create a water pollution hazard, the Respondent has violated Section 12(d) of the Act, 415 ILCS 5/12(d).

PRAYER FOR RELIEF

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

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 the Respondent to cease and desist from any further violations of the Act and associated regulations; and

D. Assessing against Respondent for every violation 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 such violation has continued thereafter, pursuant to Section 42(a) of the Act, 414 ILCS 5/42(a).

COUNT III

LAND POLLUTION VIOLATIONS

1-14. Complainant re-alleges and incorporates by reference herein paragraphs 1 through 14 of Count I as paragraphs 1 through 14 of this Count III.

15. Section 3.305 of the Act, 415 ILCS 5/3.305, provides as follows:

“Open dumping” means the consolidation of refuse from one or more sources at a disposal site that does not fulfill the requirements of a sanitary landfill.

16. Section 3.385 of the Act, 415 ILCS 5/3.385, provides as follows:

“Refuse” means waste.

17. Section 3.445 of the Act, 415 ILCS 5/3.445, provides as follows:

"Sanitary landfill" means a facility permitted by the Agency for the disposal of waste on land ... without creating nuisances or hazards to public health or safety, by confining the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day's operation, or by such other methods and intervals as the Board may provide by regulations.

18. Section 3.535 of the Act, 415 ILCS 5/3.535, provides as follows:

"Waste" means any garbage, ... or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities....

19. Section 21 of the Act, 415 ILCS 5/21 provides in pertinent part as follows:

No person shall:

- (a) Cause or allow the open dumping of any waste.

* * *

- (d) Conduct any waste-storage, waste-treatment, or waste-disposal operation:

(1) without a permit granted by the Agency or in violation of any conditions imposed by such permit,....

(2) in violation of any regulations or standards adopted by the Board under this Act;

* * *

- (e) Dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

* * *

- (p) In violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site:

(1) litter;

* * *

20. A review of Illinois EPA records revealed that neither Douglas Schroeder nor any other person, at all times relevant to this Complaint, possessed a permit to conduct a waste-storage or waste disposal operation on the property.

21. Un-contained discarded soybeans constitute "refuse" and "waste" as those terms are defined under Sections 3.385 and 3.535 of the Act, 415 ILCS 5/3.385 and 3.535. By causing or allowing the open dumping of refuse and waste, the Respondent has violated Section 21(a) of the Act, 415 ILCS 5/21(a).

22. By disposing soybeans and storing soybeans as a waste without a permit, the Respondent has violation Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1).

23. By disposing soybeans and storing soybeans as a waste at a location that was not authorized pursuant to the Board's regulations as a site that may receive such waste, the Respondent has violated Section 21(e) of the Act, 415 ILCS 5/21(e).

24. On or before September 10, 2011, the Respondent caused or allowed the open dumping of waste in a manner that has resulted in litter at the dump site. By causing or allowing the open dumping of waste in a manner which has resulted in litter, the Respondent has violated Section 21(p)(1).

PRAYER FOR RELIEF

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

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 the Respondent to cease and desist from any further violations of the

Act and associated regulations; and

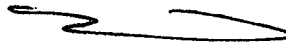
D. Assessing against Respondent for every violation a civil penalty of fifty thousand dollars (\$50,000) for each violation of the Act, and an additional penalty of ten thousand dollars (\$10,000) for each day during which each such violation has continued thereafter, pursuant to Section 42(a) of the Act, 414 ILCS 5/42(a).

Respectfully Submitted,

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN, Attorney General
of the State of Illinois

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

By



THOMAS DAVIS, Chief
Assistant Attorney General
Environmental Bureau

Jane E. McBride
Sr. Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated 4/23/12

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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v.)	PCB NO.
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DOUGLAS SCHROEDER)	
)	
Respondent)	

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 Douglas Schroeder ("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. 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 5/1et seq., and the Board's Regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the parties to this Stipulation that it be a final adjudication of this matter.

I. STATEMENT OF FACTS

A. Parties to the Stipulation

1. In conjunction with this Stipulation, a Complaint has been 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, pursuant to Section 42 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/42.

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.

3. At all times relevant to the Complaint, Respondent DOUGLAS SCHROEDER ("Schroeder") is and was an individual engaged in farming in the state of Illinois. His address is 1303 E. Walnut Creek, Mahomet, IL 61853.

B. Allegations of Non-Compliance

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

Count I

1. By causing and allowing decaying soybeans to come in contact with waters of the State so as to create or likely create a nuisance, the Respondent has caused or tended to cause water pollution in Illinois in violation of Section 12(a) of the Act, 415 ILCS 5/12(a).

Count II

2. By depositing contaminants upon the land in such a place and manner as to create a water pollution hazard, the Respondent has violated Section 12(d) of the Act, 415 ILCS 5/12(d).

Count III

3. Un-contained discarded soybeans constitute "refuse" and "waste" as those terms are defined under Sections 3.385 and 3.535 of the Act, 415 ILCS 5/3.385 and 3.535. By causing or allowing the open dumping of refuse and waste, the Respondent has violated Section 21(a) of the Act, 415 ILCS 5/21(a).

4. By disposing soybeans and storing soybeans as a waste without a permit, the Respondent has violation Section 21(d)(1) of the Act, 415 ILCS 5/21(d)(1).

5. By disposing soybeans and storing soybeans as a waste at a location that was not authorized pursuant to the Board's regulations as a site that may receive such waste, the

Respondent has violated Section 21(e) of the Act, 415 ILCS 5/21(e).

6. On or before September 10, 2011, the Respondent caused or allowed the open dumping of waste in a manner that has resulted in litter at the dump site. By causing or allowing the open dumping of waste in a manner which has resulted in litter, the Respondent has violated Section 21(p)(1).

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.

D. Compliance Activities to Date

When first contacted by the Illinois EPA, Respondent admitted to dumping the soybeans. The Respondent cleaned up the soybeans the same day that he was first contacted by the Illinois EPA in a manner consistent with instructions provided by the Illinois EPA.

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Complainant, the Illinois EPA 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. 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.

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

Section 33(c) of the Act, 415 ILCS 5/33(c), 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 this Stipulation state the following:

1. As set forth in Count I of the complaint, Paragraph 11, the presence of decaying organic matter, such as soybeans, in waters of the State not only cause discoloration and odor in the water but also elevates the biochemical oxygen demand ("BOD") of the water.
2. There is no social or economic benefit to dumping soybeans on the land, in or adjacent to a waterway and field tile system, in a location that is not authorized to receive such waste.
3. The dumping and abandonment of two piles of decaying soybeans was unsuitable for the location.
4. Clean-up of the soybean piles and proper land application of the decaying soybeans were both technically practicable and economically reasonable.
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)(2006), 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 this Stipulation state as follows:

1. The soybeans were dumped and abandoned at a time better known to Respondent after April 4, 2010. The piles were cleaned up on September 14, 2010.
2. Once the Respondent was contacted by the Illinois EPA, he was diligent in removing the soybean piles.
3. Respondent realized nominal economic benefit. He obtained the benefit of

delayed payment of the cost of proper disposal of the soybeans.

4. Complainant and the Illinois EPA have determined, based upon the specific facts of this matter, that a penalty of Three Thousand Dollars (\$3,000.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

5. To Complainant's and the Illinois EPA'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.

V. TERMS OF SETTLEMENT

A. Penalty Payment

1. The Respondent shall pay a civil penalty in the sum of Three Thousand Dollars (\$3,000.00) 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

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 numbers 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

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 \$3,000.00 penalty, the Respondent's agreement to cease and desist from future violations of the Act and Board regulations, 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 in conjunction with this Stipulation. 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.

F. Enforcement and Modification of Stipulation

1. 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.

2. The Complainant, in consultation with the Illinois EPA, and the Respondent 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. 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 to this Stipulation.

G. Execution of Stipulation

The undersigned representatives for each party to this 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 this Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS,

FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

LISA MADIGAN
Attorney General
State of Illinois

BY: 

JOHN J. KIM
Interim Director

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

DATE: 4/19/12

BY: 

THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

DATE: 4/23/12

DOUGLAS SCHROEDER

BY: 

DOUGLAS SCHROEDER

DATE: 3-30-12

DOUGLAS SCHROEDER

BY: MOHAN ALEWELT PRILLAMAN & ADAMI,
His attorneys

BY: 

JOEL A. BENOIT
Mohan Alewelt Prillaman & Adami
Suite 325
1 North Old Capitol Plaza
Springfield, Illinois 62701-1323
Tel. 217-528-2517
Fax. 217-528-2553

DATE: 03/29/12