

ILLINOIS POLLUTION CONTROL BOARD
July 16, 1987

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 86-38
)
WILLIAMS PIPE LINE CO.,)
)
Respondent.)

MS. CHRISTINE ZEMAN, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT;

MS. BARBARA A. MAGEL, MR. JOSEPH V. KARAGANIS, AND MR. A. BRUCE WHITE, BELL, BOYD & LLOYD, APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon a forty-count Complaint filed on March 12, 1986, by the Illinois Environmental Protection Agency (Agency) alleging certain violations of the Illinois Environmental Protection Act (Act) and Board regulations, specifically 35 Ill. Adm. Code 302.203 and 302.212(a), by Williams Pipe Line Company (Williams). Hearing was held on June 25, 1987, at which the parties entered into a Stipulated Statement of Facts and Proposal for Settlement which was filed with the Board on June 29, 1987. The parties state that the stipulation of facts represents a fair summary of that which the Agency and Williams would submit at hearing if a full hearing were held.

Williams Pipe Line, at all times relevant, owned and operated, within its right of way, a pipeline carrying solutions of urea ammonium nitrate fertilizer (UAN) which consists of ammonium nitrate, urea, and water. This pipeline extends across the State of Illinois through the counties of Clark, Clay, Clinton, Crawford, Effingham, Fayette, Jasper, Marion, Monroe and St. Clair. On June 19, 1986, Williams ceased transporting UAN in this pipeline. The pipeline will no longer be used for UAN shipments but, instead, will be used to house a fiber optic telecommunications cable. Williams also owned and operated another pipeline used to transport UAN from Heyworth, Illinois to Patoka, Illinois. On February 11, 1986, Williams ceased transporting UAN in this pipeline.

Under certain conditions, UAN can be corrosive to certain metals and concrete, can have a harmful effect on eyes, can be harmful to vegetation and can be toxic to aquatic life. UAN, therefore, falls within the definition of "contaminant" as set forth in Section 3.06 of the Act. The Agency's forty-count Complaint can be briefly summarized as follows: the Agency alleges Williams caused or allowed the discharge of varying quantities of UAN from leaks or breaks in the pipeline described above. Counts I, XI, XXII, XXV, and XXXIX of the Complaint allege violations, on various dates and locations, of both Section 12(a) and Section 12(d) of the Act. Section 12(a) prohibits the discharge of "any contaminants into the environment in any State so as to cause or tend to cause water pollution..." Section 12(d) prohibits the deposit of "any contaminants upon the land in such place and manner so as to create water pollution hazard." Counts II, X, XII through XXI, XXIII, XXIV, and XXVI through XXXVIII allege violations, on various dates and locations, of Section 12(d) only of the Act. Count XL alleges a violation of Section 21(a) and (e) of the Act and of 35 Ill. Adm. Code 809.501. Section 21(a) prohibits open dumping of any waste, and Section 21(d) prohibits the disposal, treatment, storage, or abandonment of any waste except at a site or facility which meets the requirements of the Act and regulations thereunder.

The proposed settlement agreement provides that Williams agrees to pay a penalty of \$102,500 to the Environmental Protection Trust Fund within 90 days of the date of this Board Order. However, Williams neither admits nor denies violation of the Act or regulations in question. The Agency agrees that all claims which were raised, or which could have been raised, as a result of UAN spills set forth in Counts I, XI, XXII, XXV and XXXIX of the Complaint are fully settled and the Agency covenants not to sue thereon. The Agency agrees that all claims for actual or threatened contamination of surface water which were raised, or which could have been raised, are fully settled; however, the Agency is not precluded from later filing a new Complaint against Williams which alleges that Williams has caused actual contamination of groundwater provided that the Agency comply with certain conditions as specified in the settlement agreement. In addition to the penalty, Williams agrees to provide notice to landowners on whose land UAN spills either alleged in the Complaint or occurring after July 18, 1985, exceeded 10 net barrels that plowing hay into the affected area aids in the reduction of UAN soil concentration and to make funds available to those landowners for the application of such hay. The Board notes that testimony from the June 25, 1987, hearing indicates that affected landowners may be dissatisfied with the remedial program outlined in the settlement agreement. The agreement, however, does not preclude dissatisfied landowners from pursuing private remedies, therefore, the Board believes that their rights are not jeopardized by approval of this settlement agreement.

In evaluating this enforcement action and proposed settlement agreement, the Board has taken into consideration all the facts and circumstances in light of the criteria set forth in Section 33(c) of the Act and finds the proposed settlement agreement acceptable under 35 Ill. Adm. Code 103.180. Accordingly the Board will order Williams to pay the stipulated penalty of \$102,500 into the Illinois Environmental Protection Trust Fund as agreed upon, and will order Williams to follow the settlement agreement as set forth in the following Order.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

It is the Order of the Illinois Pollution Control Board that:


1. Within 90 days of the date of this Order, the Respondent, Williams Pipe Line Company, shall, by certified check or money order payable to the State of Illinois and designated for deposit into the Environmental Trust Fund, pay the stipulated penalty of \$102,500 which is to be sent to:

Office of the Attorney General
Environmental Control Division
500 South Second Street
Springfield, IL 62706

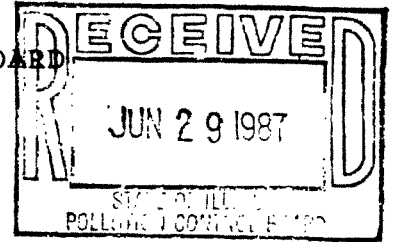
2. Williams Pipe Line Company shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed on June 29, 1987, which is attached hereto and incorporated as if fully set forth herein.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 16th day of July, 1987 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 -vs-)
)
 WILLIAMS PIPE LINE COMPANY,)
)
 Respondent.)

PCB 86-38

STIPULATED STATEMENT OF FACTS
AND PROPOSAL FOR SETTLEMENT

COME NOW Complainant, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Complainant"), by and through its attorney, Neil F. Hartigan, Attorney General, and Respondent, WILLIAMS PIPE LINE COMPANY ("WPL"), by and through its attorneys, Hall, Estill, Hardwick, Gable, Golden & Nelson, and Karaganis & White, and set forth the following stipulated statement of facts and proposal for settlement pursuant to Section 103.180 of the Illinois Administrative Code, Title 35: Environmental Protection, Subtitle A: General Provisions.

I. STIPULATION RE STATEMENT OF FACTS

A. For purposes of settlement only, the parties agree that the following statement of facts represents a fair summary of that which Complainant and WPL would submit at hearing if a full hearing were held.

B. The parties stipulate that the following statement of facts is made and agreed upon for the purpose of the settlement of this cause only, and is conditioned upon the Board approving and disposing of this matter on each and every one of the terms and conditions as set forth in the Proposal for Settlement.

STATEMENT OF FACTS

1. Complainant is an Agency of the State of Illinois created pursuant to Section 4 of the Illinois Environmental Protection Act (Ill. Rev. Stat. 1985, ch. 111 1/2, par. 1001 et seq. (the "Act")), and charged with the duty, inter alia, of enforcing the Act in proceedings before the Illinois Pollution Control Board pursuant to Title VIII thereof.

2. WPL is and at all times relevant to the Complaint has been a Delaware corporation duly licensed by the Illinois Secretary of State to transact business in Illinois.

3. At all times relevant to this Complaint, WPL has owned and operated, within its right-of-way, a pipeline carrying solutions of urea ammonium nitrate fertilizer ("UAN") which consists of ammonium nitrate, urea, and water. This pipeline originates in Oklahoma and extends across the State of Illinois through the counties of Clark, Clay, Clinton, Crawford, Effingham, Fayette, Jasper, Marion, Monroe and St. Clair. This pipeline was manufactured by National Tube of 10.75" outside diameter, .365" wall thickness, A.P.I. Grade "A" Pipe and was laid in 1930. The original pipe laid in 1930 is bell weld pipe. A reroute around Carlyle Lake of 11.6 miles is constructed of 10.75" outside diameter, .365" wall thickness, A.P.I. Grade "B" seamless pipe manufactured by Lone Star Steel and laid in 1961. On June 19, 1986, WPL ceased transporting UAN in this pipeline. The pipeline will no longer be used for UAN shipments but, instead, will be used to house a fiber optic telecommunications cable.

4. WPL has also owned and operated, within its right-of-way, a pipeline used to transport UAN from Heyworth, Illinois to Patoka, Illinois. On February 11, 1986, WPL ceased transporting UAN in this pipeline. The pipeline will no longer be used for UAN shipments.

5. Complainant asserts that UAN as transported by WPL until June 19, 1986 can, under certain circumstances be corrosive to certain metals and concrete and, in certain concentration, harmful to vegetation. UAN can have a harmful effect on the eyes and, in certain concentrations be toxic to aquatic life, and therefore is a contaminant as set forth in Section 3 of the Act.

6. Complainant asserts that on or before December 1980, and continuing to July 1985, including but not limited to the following approximate dates, WPL caused or allowed the discharge of varying quantities of UAN from leaks or breaks in the pipeline described in paragraph 3 above onto land or into water near each of the locations as listed:

September 23, 1983	S.28, T8N, R10E, Robinson, Crawford County
August 3, 1983	S.16, T1S, R7W, near Heberers Branch of Silver Creek, Freeburg, St. Clair County
June 16, 1983	S.9, T3N, R1E, Patoka, Marion County
June 16, 1983	S.29, T4N, R2E, Vernon, Marion County
June 8, 1983	S.22, T5N, R4E, LaCleede Township Road, Fayette County

May 13, 1983	S.22, T7N, R9E, Newton, Jasper County
May 11, 1983	S.22, T5N, R4E, Farina, Fayette County
May 11, 1983	S.18, T7N, R10E, Newton, Jasper County
May 10, 1983	S.31, T8N, R11E, Yale, Jasper County
April 20, 1983	S.12, T8N, R13W, Annapolis, Crawford County
March 23, 1983	S.10, T8N, R13W, Annapolis, Crawford County
January 21, 1983	S.31, T8N, R11E, Yale, Jasper County
January 19, 1983	S.13, T1N, R5W, Albers, Clinton County
December 16, 1982	S.27, T1S, R8W, Smithton Township, St. Clair County
November 22, 1982	T1S, R6W, Mascoutah, St. County
September 18, 1982	S.20, T9N, R11W, Clark County
August 16, 1982	S.25, T3N, R4W, Breese, Clinton County
August 11, 1982	S.19, T1S, R7W, St. Clair County
August 13, 1982	S.19, T1S, R7W, St. Clair County
June 24, 1982	S.27, T1S, R8W, Smithton Township, St. Clair County
March 24, 1982	SW/4 SW/4 of S.35, T5N, R3E, onto land and into a small creek or unnamed tributary to the Kaskaskia River in Fayette County
April 21, 1982	S.35, T5N, R3E, Fayette County
November 24, 1981	S.20, T4N, R2E, Patoka, Marion County
November 18, 1981	S.34, T1S, R8W, Smithton, St. Clair County

August 13, 1981	S.13, T5N, R9E, Newton, Jasper County
September 9, 1981	S.12, T4N, R2E, onto land and into a small creek near Patoka, Marion County
December 11, 1980	S.5, T8N, R12W, Robinson, Crawford County
March 29, 1983	S.17, T1S, R7W, onto the land and into a pond or lake of approximately three to seven acres, near Freeburg, St. Clair County
January 25, 1984	S.24, T7N, R9E, into a railroad ditch, onto farmed land, and into an unnamed tributary of the Embarras River between the abandoned Illinois Central Railroad track and Highway 130 just south of Falmouth in Jasper County
February 25, 1985	S.33, T2S, R8W, Smithton, St. Clair County
January 22, 1985	S.20, T1S, R7W, 15 yards from Jack's Run Creek in St. Clair County
January 16, 1985	S.6, T2S, R8W, Smithton, St. Clair County
January 16, 1985	S.16, T1S, R7W, near a farm pond in Freeburg, St. Clair County
January 5, 1985	S.17, T8N, R13W, Annapolis, Crawford County
November 25, 1984	S.6, T1S, R6W, 300 feet from Hog River southwest of Mascoutah, St. Clair County
November 10, 1984	S.7, T3S, R11W, 200 yards from the Mississippi River near Valmeyer, Monroe County
May 31, 1984	S.10, T7N, R10E, 1000 feet of a branch of a creek in Jasper County
April 25, 1984	S.17, T5N, R5E; near Dismal Creek near Edgewood, Clay County

February 4, 1985	S.16, T5N, R5E, near an intermittent stream near Edgewood, Clay County
March 7, 1985	S.36, T5N, R3E, Farina, Fayette County
March 14, 1985	S.33, T2S, R8W, near a small creek near Smithton, St. Clair County
March 19, 1985	Albers, Clinton County
April 3, 1985	S.12, T8N, R13W, Crawford County
April 16, 1985	S.36, TSN, R3E, Fayette County
May 22, 1985	Smithton, St. Clair County
June 14, 1985	Farina, Fayette County
June 20, 1985	Oblong, Jasper County
July 9, 1985	Smithton, St. Clair County
July 17, 1985	S.9, T3N, R1E, Marion County
July 17, 1985	S.20, T1S, R7W, St. Clair County
July 18, 1985	S.15, T5N, R5E, Clay County

7. Complainant asserts that at several sites inspected by the Complainant after a discharge had been reported, water samples were collected and analyzed in its labs. The graph below summarizes the asserted findings:

1/27/84 from the unnamed tributary to the Embarras River near Falmouth.

<u>Parameter</u>	<u>Just South of Road Bridge</u>	<u>Downstream of Road Bridge</u>
Observation	Light orange	Turbid
Ammonia (N)	135 mg/l	24 mg/l
Organic Nitrogen (N)	40 mg/l	48 mg/l
Nitrate & Nitrite (N)	150 mg/l	7.2 mg/l

2/9/84 from the unnamed tributary to the Embarras River near Falmouth.

<u>Parameter</u>	<u>Just South of Road Bridge</u>	<u>Downstream of Road Bridge</u>
Ammonia (N)	150 mg/l	15 mg/l
Organic Nitrogen (N)	35 mg/l	Less than 0.1 mg/l
Nitrate & Nitrite (N)	100 mg/l	9.5 mg/l

2/9/84 from a railroad ditch to a water of the State near Falmouth.

<u>Parameter</u>	<u>Near Spill Site</u>	<u>150 Feet South</u>
Observation	Pinkish color; musty odor	Pinkish color; musty odor
Ammonia (N)	16,300 mg/l	960 mg/l
Organic Nitrogen (N)	30,700 mg/l	480 mg/l
Nitrate & Nitrite (N)	20,700 mg/l	980 mg/l

3/31/83 from a seven acre lake near Freeburg.

<u>Contaminant</u>	<u>middle of dam</u>	<u>mid south bank</u>
Ammonia (N)	16 mg/l	15 mg/l
Organic Nitrogen (N)	74 mg/l	61 mg/l
Nitrate & Nitrite (N)	17 mg/l	15 mg/l

4/28/83 from a seven acre lake near Freeburg.

<u>Contaminant</u>	<u>middle of dam</u>	<u>mid south bank</u>
Ammonia (N)	29 mg/l	29 mg/l
Organic Nitrogen (N)	31 mg/l	31 mg/l
Nitrate & Nitrite (N)	19 mg/l	19 mg/l
COD	42 mg/l	43 mg/l

8. Complainant agrees that with respect to all those spills or leaks of UAN listed in Paragraph 6 of the Statement of Facts for which a release of UAN into a named surface water is not specifically alleged, no known impact on a surface water

of the State of Illinois has occurred as of the effective date of this Stipulated Statement of Facts and Proposal for Settlement.

9. Complainant asserts that discharges of UAN from WPL's pipeline onto land continued with frequency similar to that asserted in paragraph 6 of the Statement of Facts in various locations where WPL's pipeline is situated throughout 1985 and continuing to June 19, 1986.

10. Complainant asserts that in at least one instance, where ground was not level and crops did not grow, gullying occurred, leaching UAN to a waterway not originally contaminated by the leak.

11. Complainant asserts that, due in part to the number of spills, Complainant was incapable of observing each discharge soon after its occurrence.

12. Complainant asserts that in some instances, upon an inspection conducted months after a spill, vegetation had not returned, and the area of the spill remained stained by the orange dye used to color the UAN for the purpose of detecting spills from the air by WPL.

13. Complainant asserts that each spill as set forth in paragraph 6 above constitutes a violation of Section 12(d) of the Act given that some spills occurred near surface waters or onto land and given that UAN in certain concentrations may be toxic to aquatic life, as evidenced by fish kills at a seven acre lake near Freeburg on or around March 29, 1983, at Short Point Creek in McClean County in November, 1984, and at Lake Fork Creek in De Witt County on or about June 8, 1985.

14. Complainant asserts that, unless treated, UAN as spilled by WPL may present a continuing danger to vegetation and groundwater.

15. Complainant and WPL agree that the application of hay to a UAN spill area followed by incorporation is a form of treatment that aids in the reduction of UAN soil concentrations by immobilizing excess soluble nitrogen where incorporated.

16. Complainant asserts that, as alleged in Count XL of the Complaint, WPL excavated the area containing discharged UAN, which spill cleanings were hauled in two or three dump truck loads to property which was not a properly permitted sanitary landfill.

17. Complainant asserts that as a carrier of UAN, WPL performed a service and that WPL failed to complete a manifest in hauling soil containing spilled UAN to its destination.

18. While Complainant has authority to relieve a hauler of manifest requirements under certain circumstances in emergency cleanups at 35 Ill. Adm. Code 809.701, Complainant asserts none of the spill cleanings referred to in paragraph 16 of the Statement of Facts were within those circumstances.

19. Complainant asserts that the soil containing spilled UAN is a "pollution control waste" and an "industrial process waste" and, therefore, a "special waste" as these terms are defined and used in the Act. WPL denies these assertions.

20. Complainant and WPL met on several dates to discuss WPL's cleanup plans, its cathodic protection program and the means to ensure the future integrity of its line, so as to

reduce and eliminate leaks and spills. On November 15, 1985, Complainant was advised by WPL that it planned to discontinue use of its pipelines for the transport of UAN by September 1986 so as to carry instead non-polluting fiber optic telecommunication cables.

21. Complainant brought its enforcement action pursuant to Section 31(a) of the Act, after providing WPL with notice November 23, 1983, and the opportunity for a meeting pursuant to Section 31(d) of the Act. Several meetings between Complainant and WPL were held subsequent to the Section 31(d) notice having been sent.

22. In 1975 WPL was a defendant in an action brought by the United States in the United States District Court for the Eastern District of Illinois for violations of the Federal Water Pollution Control Act, as amended, which allegedly occurred as the result of discharges of UAN from that part of its pipeline which crosses Southern Illinois and for discharges from that part of its pipeline which continues into Indiana. Settlement in that action, No. 75-3259, resulted in, inter alia, an agreement filed November 5, 1976, for certain linealog testing, a \$30,365.00 penalty and \$24,635.00 to the Illinois Department of Conservation for the fish kill alleged in Count IV of the Second Amended Complaint in that case.

23. Complainant asserts that in November, 1984, in De Witt County, UAN was discharged into Short Point Creek from WPL's pipeline described in paragraph 4 of the Statement of Facts. The Illinois Department of Conservation investigated and asserted fish were killed at a loss of \$2,054.35. On August 9,

1985, WPL submitted a check in that amount to the State of Illinois, Wildlife Fund.

24. Complainant asserts that on or about June 9, 1985, in McClean County, approximately 168 barrels of UAN was discharged into Lake Fork Creek from WPL's pipeline described in paragraph 4 of the Statement of Facts. The Illinois Department of Conservation investigated and asserted fish were killed at a loss of \$1,402.33. On October 8, 1985, WPL submitted a check in that amount to the State of Illinois, Wildlife and Fish Fund.

II. PROPOSAL FOR SETTLEMENT

A. As a result of settlement discussions between Complainant and WPL, the parties believe that the public interest will be best served by resolution of this enforcement action under the terms and conditions provided herein, particularly given that WPL permanently ceased using the pipelines described hereinabove for UAN shipments on February 11 and June 19, 1986, respectively.

B. This Proposal for Settlement is expressly conditioned upon and effective only with approval thereof in all respects by the Board.

C. All statements contained herein are agreed to for the purposes of settling this action only and shall be null, void, and of no effect in any further proceeding or cause of action except to enforce this agreement after Board approval.

D. Upon Board approval the Terms of Settlement shall apply to and be binding upon WPL, its officers, agents, servants, employees, successors and assigns.

TERMS OF SETTLEMENT

1. WPL neither admits nor denies violating Section 12(a), Section 12(d) and/or Section 21 of the Environmental Protection Act and 35 Ill. Adm. Code 302.203 (formerly Rule 203(a)) of Chapter 3: Water Pollution Regulations for the acts as set forth above in the Stipulated Statement of Facts.

2. Complainant agrees that all claims and/or potential claims which were raised, or which could have been raised, as a result of UAN spills set forth in, Counts I, XI, XXII, XXV and XXXIX of the Complaint which allege violations of both Section 12(a) and Section 12(d) of the Act are fully settled and compromised by this Proposal for Settlement and Complainant covenants not to sue thereon.

3. Complainant agrees that all claims and/or potential claims for actual or threatened contamination of surface water which were raised, or which could have been raised, as a result of UAN spills set forth in, Counts II through X, XII through XXI, XXIII, XXIV and XXVI through XXXVIII of the Complaint, which allege violations of Section 12(d) of the Act, are fully settled and compromised by this Proposal for Settlement and Complainant covenants not to sue thereon, provided that this Proposal for Settlement shall not preclude Complainant, upon additional evidence, from later filing a new complaint against WPL which alleges that WPL has caused actual contamination of groundwater provided further that Complainant complies with each of the following four conditions:

(A) Complainant will establish, in parts per million, mean background concentration levels for any contaminant

associated with UAN by testing samples of water taken from drinking water or stock watering wells located in the area of a UAN spill site;

(B) Complainant will establish, in parts per million, mean concentration levels for any contaminant associated with UAN by testing samples of water taken from drinking water or stock watering wells located within 1,000 feet of the center of a UAN spill site;

(C) The mean concentration levels established by Complainant in paragraph 3(B) above must exceed the mean background concentration levels established by Complainant in paragraph 3(A) above; and

(D) Complainant will not seek any additional penalty from WPL above that \$102,500 sum WPL has paid pursuant to this Proposal for Settlement, but rather will be limited to seeking only that WPL remediate, and/or take appropriate responsive action to, any contamination proved to have been caused by WPL.

4. Complainant agrees that all claims and/or potential claims for violations of Section 12(a) and/or Section 12(d) of the Act based upon actual and/or threatened contamination of surface water at any UAN spill site which is located along either WPL's pipeline described in paragraph 3 or WPL's pipeline described in paragraph 4 of the Statement of Facts and which are not specifically referred to in the Complaint are fully settled and compromised by this Proposal for Settlement and Complainant covenants not to sue thereon, provided that this Proposal for Settlement shall not preclude Complainant

from later filing a new complaint against WPL which alleges WPL caused actual contamination of groundwater at any UAN spill site which is located along either of WPL's two pipelines described in paragraphs 3 and 4 of the Statement of Facts and which is not referred to in the Complaint provided further that such new complaint is subject to the preconditions set forth in paragraph 3 (A)-(D) of the Proposal For Settlement.

5. Complainant covenants not to sue WPL for claims and/or potential claims which were raised, or which could have been raised, by WPL's hauling UAN contaminated soil after excavating following a spill as charged in Count XL of the Complaint and on any date prior to January 1, 1987.

6. WPL agrees to pay a penalty of \$102,500 to the Environmental Protection Trust Fund within 90 days of a Board Order entered herein and that WPL will send this payment to the Office of the Attorney General, Environmental Control Division, 500 South Second Street, Springfield, Illinois 62706, accompanied by a copy of the Board Order entered herein. Complainant alleges such penalty is necessary to aid in the enforcement of the Act.

7. Complainant and WPL agree that payment for the fish kill alleged in Count XI of the Complaint will be remedied by the private action currently pending in the United States District Court for the Southern District of Illinois, Case No. 84-5497, between WPL and the owner of the seven acre pond referred to in Count XI of the Complaint. Complainant and WPL agree that the Illinois Department of Conservation was unable

to make a fish kill count at this pond because it was called to the site several days after the alleged fish kill took place.

8. WPL agrees that: 1) landowners on whose land a UAN spill alleged in the Complaint exceeded 10 net barrels, and 2) landowners on whose land a UAN spill exceeded 10 net barrels from the pipelines described hereinabove after the date of the latest spill date set forth in the Complaint, July 18, 1985, to the dates on which WPL ceased transport of UAN from those pipelines will be provided with the following information by WPL within 30 days of the date the Board accepts this Stipulation and Proposed Settlement:

A. WPL will advise these landowners, by letter, that plowing hay into an area affected by a spill is a form of treatment that aids in the reduction of UAN soil concentrations; and

B. WPL will advise these landowners in the same letter that it will make available to these landowners, on a one-time basis, funds for payment for hay to be applied to the affected spill area.

9. WPL agrees to make the funds referred to in paragraph 8(B) of the Terms of Settlement available within 30 days of the date of the letters referred to in paragraph 8(A) of the Terms of Settlement.

10. WPL agrees to provide Complainant with copies of all of the notification letters referred to in paragraph 8 of the Terms of Settlement simultaneous with its mailing to the landowners. Such copies shall be sent to the Attorney General's

Environmental Control Division, 500 South Second Street,
Springfield, IL 62706.

11. Complainant and WPL agree that this Proposal for
Settlement shall not preclude private parties from filing
claims against WPL.

WHEREFORE, the parties pray that the Board accept this
Stipulation and proposed Settlement.

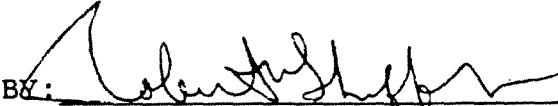
Respectfully submitted,

Complainant

PEOPLE OF THE STATE OF ILLINOIS

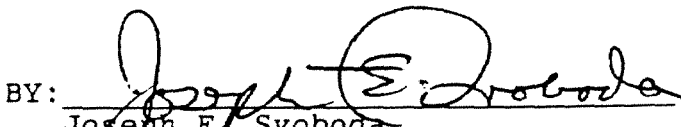
NEIL F. HARTIGAN
ATTORNEY GENERAL

DATE: 6-23-87

BY: 
Robert V. Shuff, Jr.
First Assistant Attorney General

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

DATE: June 23, 1987

BY: 
Joseph E. Svoboda
Manager, Enforcement Section

WILLIAMS PIPE LINE COMPANY

HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C.

DATE: _____

BY: _____
James J. Proszek

WILLIAMS PIPE LINE COMPANY

KARAGANIS & WHITE

DATE: _____

BY: _____
Joseph Karaganis

Environmental Control Division, 500 South Second Street,
Springfield, IL 62706.

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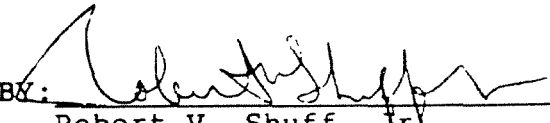
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Complainant

PEOPLE OF THE STATE OF ILLINOIS

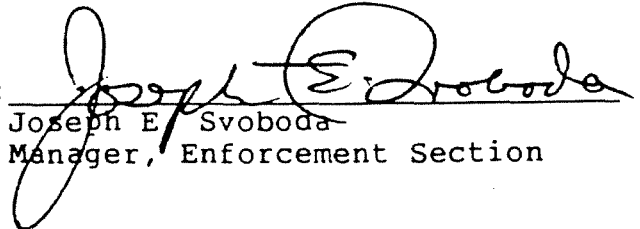
NEIL F. HARTIGAN
ATTORNEY GENERAL

DATE: 6-23-87

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ILLINOIS ENVIRONMENTAL
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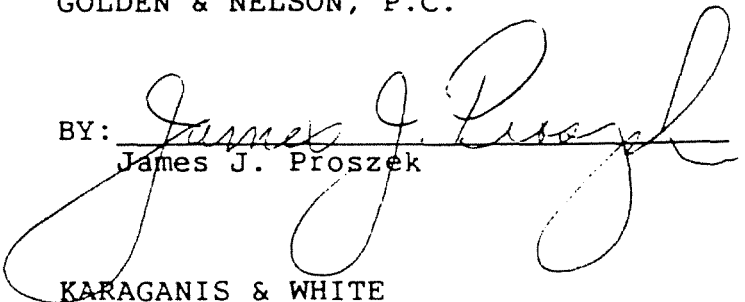
DATE: June 23, 1987

BY: 
Joseph E. Svoboda
Manager, Enforcement Section

WILLIAMS PIPE LINE COMPANY

HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C.

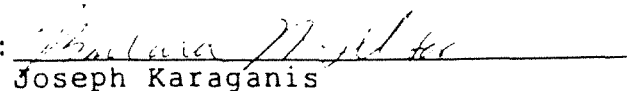
DATE: 6/25/87

BY: 
James J. Proszek

WILLIAMS PIPE LINE COMPANY

KARAGANIS & WHITE

DATE: 6/25/87

BY: 
Joseph Karaganis