

October 27, 2020

**ATTORNEY GENERAL RAOUL ANNOUNCES SETTLEMENT WITH MODERN PLATING OVER
HYDROCHLORIC ACID LEAK**

Chicago — Attorney General Kwame Raoul today announced [a settlement with Modern Plating Corp.](#) requiring the company to take preventative measures following a hydrochloric acid leak at its plant in Freeport, Ill. The consent order also requires Modern Plating to pay a \$20,000 civil penalty, and to cease and desist from future violations.

Raoul's office entered the consent order in Stephenson County Circuit Court, resolving a lawsuit filed in February alleging that the company contributed to air and water pollution, conducted a hazardous waste disposal operation without a permit, and dumped waste into an on-site pond. The Attorney General's office filed a lawsuit following the Jan. 14 rupture of an above-ground storage tank and the release of approximately 4,800 gallons of the hazardous chemical, hydrochloric acid. The release also created a vapor cloud, which caused approximately 20 employees to be evacuated from the site. At least one person sought medical attention due to potential hydrochloric acid exposure.

"Today's settlement ensures that Modern Plating implements procedures to protect workers and residents from future hydrochloric acid emissions and contamination," Raoul said. "I will continue to work to protect Illinois residents by holding companies accountable for contamination that threatens public health and the environment."

The consent order requires Modern Plating to take action to prevent any future ruptures of an above-ground storage tank. Modern Plating must install a new bulk storage tank, piping system, scrubber and pressure relief system, and a new tank containment system for the tank storage area. The order also requires inspections of the tank and containment systems, as well as instituting rainwater removal processes. Modern Plating must also post additional signage with instructions for delivery drivers to follow during the transfer of hydrochloric acid to the storage tank. Additionally, Modern Plating must pay a \$20,000 civil penalty and cease and desist from future violations.

Hydrochloric acid is a hazardous chemical that can cause burns to the body and additional burns and scarring to the nose, throat and respiratory tract when inhaled. Release of the chemical into streams, creeks and other water bodies can result in the death of fish and other aquatic life. Raoul's lawsuit alleged that, following the January storage tank rupture that incurred when the delivery driver was filling the tank, hydrochloric acid reached an area of the site which connects to a small creek that drains into the Pecatonica River.

Assistant Attorneys General Karen Howard and Daniel Robertson handled the case for Raoul's Environmental Enforcement Division.

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
STEPHENSON COUNTY, ILLINOIS
CHANCERY DIVISION**

PEOPLE OF THE STATE OF ILLINOIS,)
ex rel. KWAME RAOUL, Attorney)
General of the State Illinois,)

Plaintiff,)

v.)

MODERN PLATING CORPORATION,)
an Illinois corporation,)

Defendant.)

FILED
STEPHENSON COUNTY, IL
10/26/2020 11:29 AM
Nathan Luy
CLERK OF THE CIRCUIT COURT

No. 2020-CH-7

CONSENT ORDER

Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* KWAME RAOUL, Attorney General of the State of Illinois, the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), and Defendant, MODERN PLATING CORPORATION, (collectively “Parties to the Consent Order”), have agreed to the making of this Consent Order and submit it to this Court for approval.

I. INTRODUCTION

This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Court’s entry of the Consent Order and issuance of any injunctive 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.* (2018), and the Illinois Pollution Control Board (“Board”) regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to this Consent Order that it be a final judgment on the merits of this matter.

A. Parties

1. On February 4, 2020, a Complaint was filed on behalf of the People of the State of Illinois by Kwame Raoul, Attorney General of the State of Illinois, on his own motion and upon the request of the Illinois EPA, pursuant to Sections 42(d) and (e), and 43(a) of the Act, 415 ILCS 5/42(d) and (e), and 43(a) (2018), against the Defendant.

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 (2018).

3. At all times relevant to the Complaint, Defendant Modern Plating Corporation was and is an Illinois corporation who owned and operated a metal plating and coating facility located at 701 South Hancock Avenue, Freeport, Stephenson County, Illinois (“Facility” or “Site”).

B. Allegations of Non-Compliance

Plaintiff contends that the Defendant has violated the following provisions of the Act and Board regulations:

- Count I: Substantial Danger to the Environment, Public Health and Welfare, in violation of Section 43(a) of the Act, 415 ILCS 5/43(a) (2018);
- Count II: Air Pollution, in violation of Section 9(a) of the Act, 415 ILCS 5/9(a) (2018), and Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141;
- Count III: Water Pollution, in violation of Section 12(a) of the Act, 415 ILCS 5/12(a) (2018);
- Count IV: Creating a Water Pollution Hazard, in violation of Section 12(d) of the Act, 415 ILCS 5/12(d) (2018);
- Count V: Conducting a Hazardous Waste Disposal Operation without a Permit, in violation of Section 21(f)(1) of the Act, 415 ILCS 5/21(f)(1) (2018); and

- Count VI: Open Dumping Resulting in Deposition of Waste in Standing or Flowing Waters, in violation of Sections 21(a) and 21(p)(4) of the Act, 415 ILCS 5/21(a) and 21(p)(4) (2018).

C. Non-Admission of Violations

The Defendant represents that it has entered into this Consent Order for the purpose of settling and compromising disputed claims without having to incur the expense of contested litigation. By entering into this Consent Order and complying with its terms, the Defendant does not affirmatively admit the allegations of violation within the Complaint and referenced above, and this Consent Order shall not be interpreted as including such admission.

D. Compliance Activities to Date

The Defendant has performed the following work as stated in the Preventative Action Work Plan on Pages 5-8 of the April 6, 2020 Root Cause Analysis Report & Preventative Action Work Plan (“April 6, 2020 Report”), which was approved by Plaintiff on April 17, 2020:

1. On May 17, 2020, the Defendant completed removal of the temporary berm on the northern portion of the Site and re-seeded all areas with bare soil resulting from activities in response to the January 14, 2020 release of hydrochloric acid at the Facility;
2. On July 1, 2020, the Defendant completed selection of a new bulk tank appropriate for containing hydrochloric acid and completed design of the related piping system using best practice and guidance from several reference sources, including the OxyChem Hydrochloric Acid Handbook attached to the April 6, 2020 Report as Exhibit 2;
3. On July 1, 2020, the Defendant completed design of the scrubber and pressure relief system for the new tank system, ensuring all air scrubbers and tank pressure release vents were sized for tank system design and delivery processes;

4. On July 31, 2020, the Defendant completed design of a new containment system for the tank storage area of the Facility, ensuring the system is able to accommodate the hydrochloric acid tank with the larger of 110% capacity of the maximum storage volume of the single largest tank/container or 10% of the total volume being stored within the containment structure, plus six inches for precipitation; and

5. On August 24, 2020, the Defendant installed the containment system for the tank storage area of the Facility, which included the use of poured reinforced cement with water stops at all joints and best engineering practices used for chemical piping wall penetrations.

II. APPLICABILITY

1. This Consent Order shall apply to and be binding upon the Parties to the Consent Order. The Defendant waives as a defense to any enforcement action taken pursuant to this Consent Order 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 Consent Order. This Consent Order may be used against the Defendant 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 (2018).

2. The Defendant shall notify each contractor to be retained to perform work required in this Consent Order of each of the requirements of this Consent Order relevant to the activities to be performed by that contractor, including all relevant work schedules and reporting deadlines, and shall provide a copy of this Consent Order to each contractor already retained no later than thirty (30) calendar days after the date of entry of this Consent Order. In addition, the Defendant shall provide copies of all schedules for implementation of the provisions of this

Consent Order to the prime vendor(s) supplying the control technology systems and other equipment required by this Consent Order.

3. No change in ownership, corporate status or operator of the facility shall in any way alter the responsibilities of the Defendant under this Consent Order. In the event that the Defendant proposes to sell or transfer any real property or operations subject to this Consent Order, the Defendant shall notify the Plaintiff thirty (30) calendar days prior to the conveyance of title, ownership or other interest, including a leasehold interest in the facility or a portion thereof. The Defendant shall make as a condition of any such sale or transfer, that the purchaser or successor provide to Defendant site access and all cooperation necessary for Defendant to perform to completion any compliance obligation(s) required by this Consent Order. The Defendant shall provide a copy of this Consent Order to any such successor in interest and the Defendant shall continue to be bound by and remain liable for performance of all obligations under this Consent Order. In appropriate circumstances, however, the Defendant and a proposed purchaser or operator of the facility may jointly request, and the Plaintiff, in its discretion, may consider modification of this Consent Order to obligate the proposed purchaser or operator to carry out future requirements of this Consent Order in place of, or in addition to, the Defendant. This provision does not relieve the Defendant from compliance with any regulatory requirement regarding notice and transfer of applicable facility permits.

III. JUDGMENT ORDER

This Court has jurisdiction of the subject matter herein and of the Parties to the Consent Order and, having considered the stipulated facts and being advised in the premises, finds the following relief appropriate:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

A. Civil Penalty

1. The Defendant shall pay a civil penalty of Twenty Thousand Dollars (\$20,000.00). Payment shall be tendered at time of entry of the Consent Order.
2. The civil penalty payment shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF").
3. The case name and case number shall appear on the face of the certified check or money order.

B. Stipulated Penalties, Interest and Default

1. If the Defendant fails to complete any activity or fails to comply with any response or reporting requirement by the date specified in this Consent Order, the Defendant shall provide notice to the Plaintiff of each failure to comply with this Consent Order and shall pay stipulated penalties in the amount of \$400.00 per day per violation for up to the first fifteen (15) days of violation, \$500.00 per day per violation for the next fifteen (15) days of violation, and \$1,000.00 per day per violation thereafter until such time that compliance is achieved. The Plaintiff may make a demand for stipulated penalties upon the Defendant for its noncompliance with this Consent Order. However, failure by the Plaintiff to make this demand shall not relieve the Defendant of the obligation to pay stipulated penalties. All stipulated penalties shall be payable within thirty (30) calendar days of the date the Defendant knows or should have known of its noncompliance with any provision of this Consent Order.
2. If the Defendant fails to make any payment required by this Consent Order on or before the date upon which the payment is due, the Defendant 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 Plaintiff shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

3. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by the Defendant 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.

4. The stipulated penalties shall be enforceable by the Plaintiff and shall be in addition to, and shall not preclude the use of, any other remedies or sanctions arising from the failure to comply with this Consent Order.

C. Stipulated Penalty and Interest Payment Procedures

1. All payments required by Section III.B of this Consent Order shall be made by certified check or money order payable to the Illinois EPA for deposit into the 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

2. The case name and case 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:

Daniel Robertson
Assistant Attorney General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602

D. Future Compliance

1. The Defendant shall perform all work set forth in the Preventative Action Work Plan on Pages 5-8 of the April 6, 2020 Report, including the following:

- a. On or before October 24, 2020, coat the concrete containment structure with acid-resistant coating to protect the concrete from degradation;
- b. On or before December 15, 2020, install the bulk tank and scrubber system using supplier recommendations and best engineering practices, including the Assmann Corporation of America Tank Installation & Use Guidelines for Bulk Storage Tanks, attached to the April 6, 2020 Report as Exhibit 5;
- c. On or before December 15, 2020, post weather-resistant signage next to the locked tank fill line of the bulk tank system with the following messages:
 - (a) Hydrochloric Acid (HCl) Fill Connection;
 - (b) Contact the Lab Chemist in the WWT building for authorization to unload the product;
 - (c) Complete Checklist prior to unlocking fill line cap and connecting product line to tank fill line (The Checklist is attached to the Preventative Action Work Plan as Exhibit 4, and the Defendant shall include a copy in the signage);
 - (d) Never apply more than 7psi pressure (or new design criteria) to the delivery/tank system;
 - (e) Delivery driver must stay with the truck during the chemical transfer process; and

- (f) Immediately contact Lab Chemist or other site personnel to inform them of any spill or release to ground or containment;
- d. On or before December 15, 2020, establish a tank inspection process, including monthly inspections for cracking, coating deterioration, and other physical conditions indicating the structural integrity of the system is being compromised;
- e. On or before December 15, 2020, establish a containment inspection process, including monthly inspections for cracking, coating deterioration, and other physical conditions indicating the structural integrity of the system is being compromised;
- f. On or before December 15, 2020, establish a process for removing rainwater from the containment structure, including testing of any accumulated precipitation for pH and removing such precipitation promptly from the containment structure;
- g. Within seven (7) days after completion of all the work described in paragraphs III.D.1.a-f of this Consent Order, the Defendant shall notify the Plaintiff to allow the Plaintiff, at its sole discretion, an opportunity to conduct an inspection of the work or other activity to determine that it was completed in accordance with the approved Preventative Action Work Plan in the April 6, 2020 Report; and
- h. Within fourteen (14) days after completion of all the work described in paragraphs III.D.1.a-f of this Consent Order, the Defendant shall submit to the

Plaintiff a Final Report describing all work performed, including final designs of the hydrochloric acid tank system and containment structure.

2. The Defendant shall continue to implement the tank inspection, containment inspection, and rainwater removal process established pursuant to III.D.1.d-f above.

3. The Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, shall have the right of entry into and upon the Defendant's Facility (or Site) which is the subject of this Consent Order, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, his employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

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

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

E. *Force Majeure*

1. *Force majeure* is an event arising solely beyond the control of the Defendant, which prevents the timely performance of any of the requirements of this Consent Order and shall include, but is not limited to, events such as floods, fires, tornadoes, other natural disasters, and labor disputes beyond the reasonable control of the Defendant. An increase in costs associated with implementing any requirement of this Consent Order shall not, by itself, excuse the Defendant for a failure to comply with such a requirement.

2. When a *force majeure* event occurs which causes or may cause a delay in the performance of any of the requirements of this Consent Order, the Defendant shall orally notify the Illinois EPA (Dave Retzlaff, 815-987-7414) within forty-eight (48) hours of the occurrence. Written notice shall be given to the Plaintiff's representatives as listed in Section III.H of this Consent Order as soon as practicable, but no later than ten (10) calendar days after the claimed occurrence. This section shall be of no effect as to the particular event involved if the Defendant fails to comply with these notice requirements.

3. Within ten (10) calendar days of receipt of any written *force majeure* notice, the Plaintiff shall respond in writing regarding the Defendant's claim of a delay or impediment to performance. If the Plaintiff agrees that the delay or impediment to performance has been or will be caused by circumstances beyond the control of the Defendant and that the Defendant could not have prevented the delay by the exercise of due diligence, the parties shall stipulate to an extension of the required deadline(s) for all requirement(s) affected by the delay, by a period equivalent to the delay actually caused by such circumstances. Such stipulation may be filed as a modification to this Consent Order. The Defendant shall not be liable for stipulated penalties for the period of any such stipulated extension.

4. If the Plaintiff does not accept the Defendant's claim of a *force majeure* event, the Defendant must file a petition with the Court within twenty (20) calendar days of receipt of the Plaintiff's determination in order to contest the imposition of stipulated penalties. The Plaintiff shall have twenty (20) calendar days to file its response to said petition. The burden of proof of establishing that a *force majeure* event prevented the timely performance shall be upon the Defendant. If this Court determines that the delay or impediment to performance has been or will be caused by circumstances solely beyond the control of the Defendant and that the Defendant

could not have prevented the delay by the exercise of due diligence, the Defendant shall be excused as to that event (including any imposition of stipulated penalties), for all requirements affected by the delay, for a period of time equivalent to the delay or such other period as may be determined by this Court.

F. Enforcement and Modification of Consent Order

1. This Consent Order is a binding and enforceable order of this Court. This Court shall retain jurisdiction of this matter and shall consider any motion by any party for the purposes of interpreting and enforcing the terms and conditions of this Consent Order. The Defendant agrees that notice of any subsequent proceeding to enforce this Consent Order may be made by mail and waives any requirement of service of process.

2. The Parties to the Consent Order may, by mutual written consent, extend any compliance dates or modify the terms of this Consent Order without leave of this Court. A request for any modification shall be made in writing and submitted to the representatives designated in Section III.H of this Consent Order. Any such request shall be made by separate document, and shall not be submitted within any other report or submittal required by this Consent Order. Any such agreed modification shall be in writing and signed by authorized representatives of each party, for filing and incorporation by reference into this Consent Order.

G. Dispute Resolution

1. Except as provided herein, the Parties to the Consent Order may seek to informally resolve disputes arising under this Consent Order, including but not limited to the Illinois EPA's decision regarding appropriate or necessary response activity, approval or denial of any report, plan or remediation objective, or the Plaintiff's rejection of a request for modification or termination of the Consent Order. The Plaintiff reserves the right to seek

enforcement by the Court where the Defendant has failed to satisfy any compliance deadline within this Consent Order. The following are also not subject to the dispute resolution procedures provided by this section: a claim of *force majeure*, a failure to make any required payment and any circumstances posing a substantial danger to the environment or to the public health or welfare of persons.

2. The dispute resolution procedure must be invoked by a party through a written notice describing the nature of the dispute and the party's position with regard to such dispute. The other party shall acknowledge receipt of the notice and schedule a meeting to discuss the dispute informally not later than fourteen (14) calendar days from the receipt of such notice. These informal negotiations shall be concluded within thirty (30) calendar days from the date of the first meeting between the parties, unless the parties agree, in writing, to shorten or extend this period. The invocation of dispute resolution, in and of itself, shall not excuse compliance with any requirement, obligation or deadline contained herein, and stipulated penalties may be assessed for failure or noncompliance during the period of dispute resolution. As part of the resolution of any dispute, the Parties to the Consent Order, by agreement or by order of this Court, may extend or modify the schedule for completion of work under this Consent Order to account for the delay in the work that occurred as a result of dispute resolution.

3. In the event that the parties are unable to reach agreement during the informal negotiation period, the Plaintiff shall provide the Defendant with a written summary of its position regarding the dispute. The position advanced by the Plaintiff shall be considered binding unless, within twenty (20) calendar days of the Defendant's receipt of the written summary of the Plaintiff's position, the Defendant files a petition with this Court seeking judicial resolution of the dispute. The Plaintiff shall respond to the petition by filing the administrative record of the

dispute and any argument responsive to the petition within twenty (20) calendar days of service of Defendant's petition. The administrative record of the dispute shall include the written notice of the dispute, any responsive submittals, the Plaintiff's written summary of its position, the Defendant's petition before the Court and the Plaintiff's response to the petition. The Plaintiff's position shall be affirmed unless, based upon the administrative record, it is against the manifest weight of the evidence.

H. Notice and Submittals

Except for payments, the submittal of any notice, reports or other documents required under this Consent Order, shall be delivered to the following designated representatives:

As to the Plaintiff

Daniel Robertson
Karen W. Howard
Assistant Attorneys General
Environmental Bureau
Illinois Attorney General's Office
69 W. Washington Street, Suite 1800
Chicago, Illinois 60602
(312) 814-3532
(312) 814-5361
drobertson@atg.state.il.us
khoward@atg.state.il.us
(By electronic mail)

Michelle Ryan
Assistant Counsel, Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 783-9817
Michelle.Ryan@Illinois.gov
(By electronic mail)

Dave Retzlaff
Illinois Environmental Protection Agency
Rockford Regional Office
4302 North Main Street
Rockford, Illinois 61103
(815) 987-7414
Dave.Retzlaff@Illinois.gov
(By electronic mail)

As to the Defendant

Lawrence Falbe
Miller Canfield Paddock and Stone, PLC
225 W. Washington Street
Suite 2600
Chicago, Illinois 60606
(312) 460-4266
falbe@millercanfield.com
(By electronic mail)

James R. Stenberg
President & CEO
Modern Plating Corporation
701 S. Hancock
Freeport, Illinois 61035-0838

I. Release from Liability

In consideration of the Defendant's payment of a \$20,000.00 penalty, its commitment to cease and desist as contained in Section III.D.5 above, and completion of all activities required hereunder, the Plaintiff releases, waives and discharges the Defendant 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 Plaintiff's Complaint filed on February 4, 2020. The Plaintiff reserves, and this Consent Order is without prejudice to, all rights of the State of Illinois against the Defendant with respect to all other matters, including but not limited to the following:

- a. criminal liability;

- b. liability for future violations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. the Defendant's failure to satisfy the requirements of this Consent Order.

Nothing in this Consent Order 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 (2018), other than the Defendant.

J. Termination

1. The Defendant may request that this Consent Order terminate no sooner than thirty-six (36) months after the Defendant has completed all actions required of the Defendant in the Consent Order, provided that the Defendant has been in continuous compliance with the terms of the Consent Order for the thirty-six (36) months preceding the request. Any such request must be made by notice to the Plaintiff and include a statement that the Defendant has completed all actions required by this Consent Order and has been in continuous compliance with the terms of the Consent Order for the thirty-six (36) months preceding the request and the following certification by a responsible corporate official of the Defendant:

I certify under penalty of law that this statement was prepared under my direction or supervision, and that the information submitted in or accompanying this statement of final compliance is to the best of my knowledge true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and or imprisonment for knowing violations.

The Plaintiff shall notify the Defendant of its decision on the request within forty-five (45) calendar days of the Plaintiff's receipt of the request. If the Plaintiff agrees to terminate this Consent Order, the Plaintiff and the Defendant shall jointly file a notice with the Court that the Consent Order is terminated. If the Plaintiff does not agree to terminate this Consent Order, the

Plaintiff shall provide the Defendant written notification stating the reasons why this Consent Order should not be terminated and the Defendant may then invoke the Dispute Resolution provisions. The Consent Order shall remain in effect pending resolution of any dispute by the parties or the Court concerning whether the Defendant has completed its obligations under this Consent Order and is in compliance with the terms of the Consent Order. The provisions of Sections III.D.5 (Cease and Desist) and III.I (Release from Liability) of this Consent Order shall survive and shall not be subject to and are not affected by the termination of any other provision of this Consent Order.

K. Execution and Entry of Consent Order

This Order shall become effective only when executed by all Parties to the Consent Order and the Court. This Order may be executed by the parties in one or more counterparts, all of which taken together shall constitute one and the same instrument. The undersigned representatives for each party certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Consent Order and to legally bind them to it.

WHEREFORE, the parties, by their representatives, enter into this Consent Order and submit it to this Court that it may be approved and entered.

AGREED:


FOR THE PLAINTIFF:

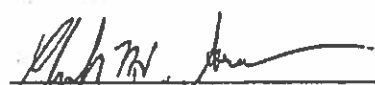
PEOPLE OF THE STATE OF ILLINOIS
ex rel. KWAME RAOUL, Attorney General
of the State of Illinois

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

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

JOHN J. KIM, Director
Illinois Environmental Protection Agency

BY: 
ELIZABETH WALLACE, Chief
Assistant Attorney General
Environmental Bureau

BY: 
CHARLES W. GUNNARSON
Chief Legal Counsel

DATE: 10/26/20

DATE: 10/21/2020

FOR THE DEFENDANT:

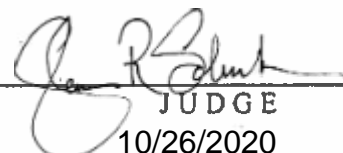
MODERN PLATING CORPORATION

BY: _____

Its: _____
[title of signatory]

DATE: _____

ENTERED:


JUDGE
DATE: 10/26/2020

WHEREFORE, the parties, by their representatives, enter into this Consent Order and submit it to this Court that it may be approved and entered.

AGREED:

FOR THE PLAINTIFF:

PEOPLE OF THE STATE OF ILLINOIS
ex rel. KWAME RAOUL, Attorney General
of the State of Illinois

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

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

JOHN J. KIM, Director
Illinois Environmental Protection Agency

BY: _____
ELIZABETH WALLACE, Chief
Assistant Attorney General
Environmental Bureau

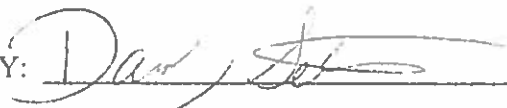
BY: _____
CHARLES W. GUNNARSON
Chief Legal Counsel

DATE: _____

DATE: _____

FOR THE DEFENDANT:

MODERN PLATING CORPORATION

BY: 
Its: Owen
[title of signatory]

DATE: 10/16/2020

ENTERED:


JUDGE

DATE: 10/26/2020