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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	No. 00 C 7679
)	
v.)	Judge Hibbler
)	
CLEAR LAM PACKAGING, INC.)	Magistrate Judge Geraldine Soat Brown
)	
Defendant.)	

JOINT STIPULATION, SETTLEMENT AGREEMENT AND ORDER

The United States of America, by authority of the Attorney General of the United States and acting at the request of the Administrator of the United States Environmental Protection Agency ("U.S. EPA"), simultaneously filed a Complaint against Clear Lam Packaging, Inc. ("Clear Lam"). The Complaint, brought pursuant to Section 113(b) of the Clean Air Act ("the Act"), 42 U.S.C. § 7413(b), seeks civil penalties for Clear Lam's violations of the Act, the Illinois State Implementation Plan ("the SIP"), and the Federal Implementation Plan ("FIP").

The United States and Clear Lam agree that settlement of this action without further litigation is in the public interest and that entry of this Stipulation, Settlement Agreement and Order ("Stipulation and Order") is an acceptable means of resolving this matter.

NOW THEREFORE, before the taking of any testimony, without adjudication or admission of any issues of fact or law, to resolve this matter efficiently and without resort to litigation, and upon consent and agreement of the parties to this Stipulation and Order, it is hereby AGREED, STIPULATED and ORDERED:

1. This Court has personal jurisdiction over Clear Lam and subject matter jurisdiction over this action pursuant to Section 113(b) of the Act, 42 U.S.C. § 7413(b), and 28 U.S.C. §§ 1331, 1345 and 1355. Venue is proper in this district pursuant to Section 113(b) of the Act, 42 U.S.C. § 7413(b), and 28 U.S.C. §§ 1391(b), (c) and 1395(a). The United States has provided notice of the commencement of this action to the State of Illinois pursuant to Section 113(b) of the Act, 42 U.S.C. § 7413(b).

2. Within thirty (30) calendar days after the entry of this Stipulation and Order, Clear Lam shall pay a civil penalty to the United States of America in the amount of Seventy-Four Thousand Dollars (\$74,000.00). Payment shall be made by check or by Electronic Funds Transfer (“EFT”) to the United States Department of Justice lockbox bank. Clear Lam shall make this payment in accordance with the instructions the United States provides to Clear Lam upon execution of this Stipulation and Order. Any funds received after 11:00 a.m. (EST) shall be credited on the next business day. Clear Lam shall provide notice of payment to the following:

U.S. Environmental Protection Agency – Region 5
Financial Management Branch (MF-10J)
77 West Jackson Boulevard
Chicago, IL 60604

Debra A. Klassman
Associate Regional Counsel
Office of Regional Counsel (C-14J)
U.S. Environmental Protection Agency
77 W. Jackson Blvd.
Chicago, IL 60604

Chief, Environmental Enforcement Section
Environment & Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Ben Franklin Station

Washington, D.C. 20044

3. If any amount of the civil penalty due under this Stipulation and Order is not paid when due, Clear Lam shall pay a stipulated penalty of One Thousand Dollars (\$1,000.00) per day until the civil penalty is fully paid.

4. If any civil or stipulated penalties payable under this Stipulation and Order are not paid when due, interest shall accrue on any amounts overdue to the United States from the first day after the civil or stipulated penalties are due through the date of payment at the rate of interest established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717, for any delinquent payment of a civil or stipulated penalty.

5. Payment of stipulated penalties and interest shall be made in the same manner as set forth in Paragraph 2, above.

6. Payment of all amounts due under this Stipulation and Order shall constitute full settlement and satisfaction of the civil claims the United States asserted in the Complaint.

7. If payment of the civil penalty due under this Stipulation and Order is not made within thirty (30) calendar days of the filing of this Stipulation and Order, this Stipulation and Order shall constitute an enforceable judgment for purposes of post-judgment collection in accordance with Rule 69 of the Federal Rules of Civil Procedure, the Federal Debt Collection Procedure Act, 28 U.S.C. §§ 3001-3308, and other applicable Federal authority. The United States shall be deemed a judgment creditor for purposes of collection of any unpaid amounts of the civil penalty, any stipulated penalties and interest.

8. Clear Lam shall be liable for any and all expenses, including but not limited to attorneys' fees, incurred by the United States in collecting any defaulted portion of the amounts due under this Stipulation and Order.

9. Within thirty (30) days of the receipt of all amounts due under this Stipulation and Order, the United States shall file a Notice of Payment with the Court indicating that full payment has been received. If such Notice of Payment is not filed by the United States within thirty (30) days of receipt of all amounts due under the Stipulation and Order, Clear Lam may file a Notice of Payment with the Court, along with proof of such payment. Upon receipt of a Notice of Payment, the claims asserted in the Complaint against Clean Lam shall be dismissed with prejudice, with each party bearing its own costs and attorneys' fees.

10. Any changes in ownership or corporate status shall not alter Clear Lam's payment obligations herein.

11. The undersigned representatives of Clear Lam and the Environmental Enforcement Section of the Environment and Natural Resources Division of the United States Department of Justice certify that he or she is fully authorized to enter into the terms and conditions of this Stipulation and Order and to execute and legally bind that party to it.

12. The Court shall retain jurisdiction to interpret and enforce this Stipulation and Order until the United States or Clear Lam file a Notice of Payment.

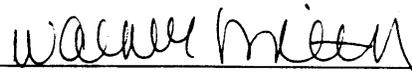
AS STIPULATED AND AGREED TO BY THE PARTIES, IT IS SO ORDERED AND ADJUDGED.

Date: _____

United States District Judge
Northern District of Illinois

United States v. Clear Lam Packaging, Inc.
Joint Stipulation, Settlement Agreement and Order

FOR PLAINTIFF THE UNITED STATES OF AMERICA



WALKER B. SMITH
Principal Deputy Chief
Environmental Enforcement Section
Environment and Natural Resources Division
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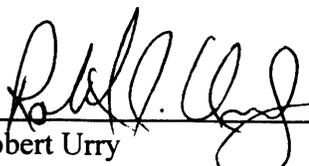
Date: October 11, 2000

Debra A. Klassman

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Associate Regional Counsel
Office of Regional Counsel (C-14J)
U.S. Environmental Protection Agency
77 W. Jackson Blvd.
Chicago, IL 60604

FOR DEFENDANT CLEAR LAM PACKAGING, INC.:

Date: 9-28-00



Robert Urry
Vice President of Manufacturing
Clear Lam Packaging, Inc.
1950 Pratt Boulevard
Elk Grove Village, IL 60007