

ILLINOIS POLLUTION CONTROL BOARD  
December 18, 1997

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 96-229  
) (Enforcement - Air)  
JAMES TULL, individually, and as President )  
of CEPCO, INC., an Illinois corporation, )  
And CEPCO, INC., an Illinois corporation, )  
d/b/a CHIEF PAVING & EXCAVATING )  
COMPANY, )  
)  
Respondents. )

OPINION AND ORDER OF THE BOARD (by J. Theodore Meyer):

This matter comes before the Board upon a two-count complaint filed on May 3, 1996, by the Attorney General of the State of Illinois, on behalf of the People of the State of Illinois, against James Tull, individually, and as President of Cepco, Inc., an Illinois corporation, and Cepco, Inc., an Illinois corporation, d/b/a Chief Paving & Excavating Company (respondents) located at 2207 Perkins Road, P.O. Box 474, Urbana, Champaign County, Illinois, concerning asbestos demolition and renovation activity performed at 1305 South Neil Street, Champaign, Champaign County, Illinois. The complaint alleges that respondent violated Sections 9(a) and 9.1(d)(1) of the Environmental Protection Act (Act) (415 ILCS 5/9(a), 9.1(d)(1)(1996)) and 40 CFR 61.145(b) by causing or allowing air pollution and failing to provide timely and sufficient notification of asbestos demolition or renovation activity.<sup>1</sup>

On November 17, 1997, the parties filed a stipulation, settlement agreement, and a joint motion requesting relief from the requirement of Section 31(c)(2) of the Act that proposed stipulation and settlement agreements be presented at hearing. 415 ILCS 5/31(c)(2) (1996). The Board published a notice of the waiver on November 22, 1997. No objection to the granting of the waiver was received. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation sets forth facts relating to the nature, operations, and circumstances surrounding the claimed violations. Respondents neither admits nor denies the alleged violations and agrees to pay a total civil penalty of \$5,000.

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<sup>1</sup> While the Board does not generally enforce the provisions of the Code of Federal Regulations, Section 9.1(d)(1) of the Act authorizes enforcement of Sections 111, 112, 165, and 173 of the Clean Air Act and the regulations adopted pursuant thereto.

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects respondent's responsibility to comply with any federal, State, or local regulations, including but not limited to, the Act and the Board's regulations.

This opinion constitutes the Board's finding of fact and conclusions of law in this matter.

### ORDER

1. The Board hereby accepts the stipulation and settlement agreement executed by the People of the State of Illinois and James Tull, individually, and as President of Cepco, Inc., an Illinois corporation, and Cepco, Inc., an Illinois corporation, d/b/a Chief Paving & Excavating Company (respondents) located at 2207 Perkins Road, P.O. Box 474, Urbana, Champaign County, Illinois concerning, asbestos demolition and renovation activity performed at 1305 South Neil Street, Champaign, Champaign County, Illinois. The stipulation and settlement agreement are incorporated by reference as though fully set forth herein.
2. Respondents shall pay the total sum of \$5,000, payable in two equal installments of \$2,500 each. Payment shall be made pursuant to the following schedule:
  - a. The first installment of \$2,500 shall be paid within thirty (30) days from the date of this final Board order, or on or before January 17, 1998, approving the parties' stipulation and proposal for settlement.
  - b. The second installment payment shall be made within 360 days of the date that the first installment is due, or on or before January 12, 1999 (360 days from January 17, 1998). Such payments are to be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund, and shall be sent by First Class mail to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 N. Grand Avenue East  
Springfield, IL 62702

The certified check or money order shall clearly indicate on its face respondents' federal employer identification number 37-1343209 and that payment is directed to the Environmental Protection Trust Fund.

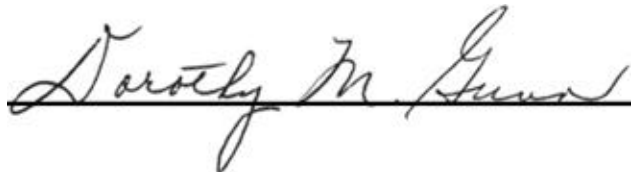
Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003 (1996)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

3. Respondents shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1996)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 145 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 18th day of December 1997, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a solid horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board