

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,	)	
by LISA MADIGAN, Attorney	)	
General of the State of Illinois,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB No.
	)	
JOEL HILLMAN, individually,	)	(Enforcement - Air)
	)	
Respondent.	)	

NOTICE OF FILING

TO: Mr. William J. Anaya  
Attorney for Respondent  
Joel Hillman  
Arnstein & Lehr  
120 South Riverside Plaza  
Suite 1200  
Chicago, IL 60606

(VIA ELECTRONIC FILING)

PLEASE TAKE NOTICE that today, August 24, 2005 I have filed with the Office of the Clerk of the Illinois Pollution Control Board by electronic filing the following Complaint a copy of which is attached and hereby served upon you.

Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the clerk's office or an attorney.

NOTIFICATION

YOU ARE HEREBY NOTIFIED that financing may be available through the Illinois Environmental facilities financing act [20 ILCS 3515/1 et seq.] to correct the alleged pollution.

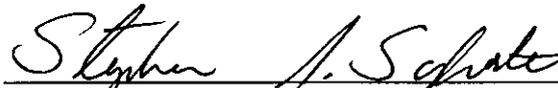
THIS FILING IS SUBMITTED ON RECYCLED PAPER

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN  
Attorney General  
State of Illinois

BY:



STEPHEN J. SYLVESTER  
Assistant Attorney General  
Environmental Bureau  
188 W. Randolph St., 20<sup>th</sup> Floor  
Chicago, Illinois 60601  
312-814-2087

DATE: August 24, 2005

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COMPLAINT

Complainant, People of the State of Illinois, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency, complains of Respondent, JOEL HILLMAN, an individual, as follows:

COUNT I

AIR POLLUTION

1. This Count is brought on behalf of the PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2002), and is an action for a cease and desist order and for civil penalties.

2. The Illinois EPA is an administrative agency established in the executive branch of the State government by

Section 4 of the Act, 415 ILCS 5/4 (2002), and charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to this Complaint, Respondent, Joel Hillman ("Hillman") was and is an Illinois resident. At all times relevant to this Complaint, Hillman was and is the owner and/or operator of real property located at 133-135 Park Avenue, Barrington, Lake County, Illinois ("Site").

4. The Site consists of two (2) commercial, office buildings, 133 Park Ave and 135 Park Ave, respectively, and a parking lot.

5. On or about October of 2003, or at a time better known to the Respondent, Hillman began the renovation of the buildings at the Site. Renovation of the building included the removal and disposal of dry, friable, regulated asbestos containing material ("RACM") located throughout the two buildings.

6. Friable RACM means any material containing more than (one) 1 percent asbestos that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure as defined in Section 61.141 of Title 40 of the Code of Federal Regulations, 40 C.F.R. 61.141.

7. Pursuant to Section 112(b)(1) of the Clean Air Act ("CAA"), 42 U.S.C. 7412(b)(1) (2004), the Administrator of the

United States Environmental Protection Agency ("U.S. EPA") lists asbestos as a hazardous air pollutant.

8. Asbestos is a known human carcinogen for which there is no known safe level of exposure.

9. On information and belief, on October 27, 2003, or a date better known to Respondent, Hillman directed the removal of asbestos containing floor tile and thermal insulation from the buildings at the Site. Unlicensed workers removed the RACM without utilizing the proper emission control procedures, such as wetting, erecting a containment, and employing the use of negative air pressure machines. The asbestos-containing floor tile was removed using spud bars thereby rendering the material friable. The asbestos-containing renovation debris was then placed in a dumpster in the Site's parking lot.

10. On November 5, 2003, the Illinois EPA performed an inspection of the Site. The inspector observed suspect asbestos-containing material ("ACM") (floor tile and pipe insulation) on the floor along the stairwell and the stairs leading to the basement of 133 Park Ave. The inspector observed white suspect dust and debris, consistent with that of asbestos-containing thermal insulation, in the basement of 133 Park Avenue.

11. Hillman directed the removal of approximately two hundred (200) linear feet of thermal insulation from the basement of 133 Park Avenue and two thousand eight hundred (2800) square feet of asbestos floor tile from the 1st floor of 133 Park Avenue.

12. The inspector also observed suspect ACM in the parking lot on the Site.

13. The inspector obtained four (4) samples of suspect ACM from inside 133 Park Avenue and around a dumpster located in the parking lot.

14. The first two samples were floor tile and mastic (glue used to install floor tile) found in the basement and around the stairwell of 133 Park Avenue. These samples tested positive for 2% and 3% chrysotile asbestos, respectively.

15. The third sample, suspect pipe insulation from a pipe in the basement of 133 Park Avenue, tested positive for 40% chrysotile asbestos.

16. A fourth sample, suspect insulation found near a dumpster in the buildings' parking lot tested positive for 60% chrysotile asbestos.

17. At 135 Park Avenue, approximately nine hundred (900) square feet of suspect floor tile had been removed from the basement.

18. The inspector obtained, two (2) samples of floor tile with mastic affixed to the back from the basement of 135 Park Avenue. The floor tile and mastic each contained greater than 1% asbestos, ranging from 2%-5% asbestos.

19. RACM remained in the parking lot at the Site, until July 17, 2004, at which time Hillman's contractor completed a satisfactory remediation.

20. Hillman's renovation at the Site is subject to the Act and the rules and regulations promulgated by the Illinois Pollution Control Board ("Board") and the Illinois EPA. The Board's regulations for air pollution are found in Title 35, Subtitle B, Chapter I of the Illinois Administrative Code ("Board Air Pollution Regulations"), and the Illinois EPA's rules and regulations for air pollution are found in Title 35, Subtitle B, Chapter II of the Illinois Administrative Code ("Illinois EPA Air Pollution Regulations").

21. Section 9(a) of the Act, 415 ILCS 5/9(a) (2002), provides as follows:

Acts prohibited.

No person shall:

- a) Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

22. Section 201.141 of the Board Air Pollution

Regulations, 35 Ill. Adm. Code 201.141, provides as follows:

No person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as, either alone or in combination with contaminants from other sources, to cause or tend to cause air pollution in Illinois, or so as to violate the provisions of this Chapter, or so as to prevent the attainment or maintenance of any applicable ambient air quality standard.

23. Section 3.115 of the Act, 415 ILCS 5/3.115 (2002),

provides the following definition:

"AIR POLLUTION" is the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

24. Section 3.165 of the Act, 415 ILCS 5/3.165 (2002),

provides the following definition:

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

25. Section 3.315 of the Act, 415 ILCS 5/3.315 (2002), provides as follows:

"Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

26. Hillman, an individual, is a "person" as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2002).

27. Asbestos is a "contaminant" as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2002).

28. From at least early November 2003, or a date better known to the Respondent, through at least July 17, 2004, Hillman caused or allowed dry friable RACM to remain in the parking lot and asbestos fibers to enter into the environment.

29. As the owner and/or operator of the property on which the renovation activity was taking place, Hillman caused, threatened or allowed the discharge or emission of asbestos into the environment so as to cause or tend to cause air pollution in that asbestos fibers were released into the atmosphere during the renovation activities.

30. By allowing dry friable RACM to remain at the Site in a friable state, exposed to the environment, and by failing to employ the proper emissions control procedures, Hillman has

caused or allowed air pollution in Illinois in violation of Section 9(a) of the Act, 415 ILCS 5/9(a) (2002), and Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, JOEL HILLMAN, on this Count I:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

2. Finding that Respondent has caused or allowed violations of Section 9(a) of the Act and 35 Ill. Adm. Code 201.141;

3. Ordering the Respondent to cease and desist from any further violations of Section 9(a) of the Act and 35 Ill. Adm. Code 201.141;

4. Assessing a civil penalty of \$50,000.00 against Respondent for each violation of the Act and pertinent Board regulations, with an additional penalty of \$10,000.00 per day for each day that the violations continued;

5. Taxing all costs in this action, including expert witness, consultant and attorneys fees, against Respondent; and

6. Granting such other relief as the Board deems appropriate and just.

COUNT II

FAILURE TO FOLLOW PROPER NOTIFICATION REQUIREMENTS

1-22 Complainant realleges and incorporates herein by reference paragraphs 1 through 20 and 25 through 26 of Count I as paragraphs 1 through 22 of this Count II.

23. Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2002), provides as follows:

No person shall:

1. Violate any provisions of Sections 111, 112, 165, 173 of the Clean Air Act, as now or hereafter amended, or federal regulations adopted pursuant thereto.

24. Section 112(d) (1) of the CAA, 42 U.S.C. 7412(d) (1) (2004), titled, Emission Standards, provides, in pertinent part, as follows:

1. The Administrator shall promulgate regulations establishing emission standards for each category or subcategory of major sources and area sources of hazardous air pollutants listed for regulation. . .

25. Section 112(h) (1) of the CAA, 42 U.S.C. 7412(h) (1) (2004), titled, Work Practice Standards and Other Requirements, provides in pertinent part as follows:

1. For the purposes of this section, if it is not feasible in the judgment of the

Administrator to prescribe or enforce an emission standard for control of a hazardous air pollutant or pollutants, the Administrator may, in lieu thereof, promulgate a design, equipment, work practice, operation standard, or combination thereof, which in the Administrator's judgment is consistent with the provisions of subsection (d) or (f) of this section . . . .

26. On June 19, 1978, the Administrator determined that work practice standards rather than emission standards are appropriate in the regulation of asbestos, 43 Fed. Reg. 26372 (1978), and therefore, pursuant to Section 112 of the CAA, 42 U.S.C. 7412 (2004), the U.S. EPA adopted National Emissions Standards for Hazardous Air Pollutants ("NESHAPs"), including asbestos, at 40 C.F.R. 61, Subpart M.

27. Section 61.141 of the U.S. EPA's NESHAPs, 40 C.F.R. 61.141, provides, in pertinent part, as follows:

All terms that are used in this subpart and are not defined below are given the same meaning as in the Act and in subpart A of this part.

*Asbestos* means the asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, anthophyllite, and actinolite-tremolite.

*Category I nonfriable ACM* means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40

CFR part 763, section 1, Polarized Light Microscopy.

*Demolition* means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.

*Facility* means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.

*Friable asbestos material* means any material containing more than 1 percent asbestos as determined using the method specified in appendix A, subpart F, 40 CFR 763 section 1, Polarized Light Microscopy, that, when dry can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.

*Owner or operator of a demolition or renovation activity* means any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both.

*Regulated asbestos-containing material (RACM)* means (a) Friable asbestos material, (b) Category I nonfriable ACM that has become friable, (c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting or abrading, or (d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this subpart.

*Remove* means to take out RACM or facility components that contain or are covered with RACM from any facility.

*Renovation* means altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

28. The buildings located on the Site are "facilities" as that term is defined in Section 61.141 of the U.S. EPA's NESHAPs, 40 C.F.R. 61.141.

29. The removal of asbestos from the buildings located on the Site constitutes a "renovation" as that term is defined in Section 61.141 of the U.S. EPA's NESHAPs, 40 C.F.R. 61.141.

30. Respondent, Hillman as the owner and/or operator of 133/135 Park Ave is an "owner" and/or "operator" of a demolition/renovation activity as those terms are defined in Section 61.141 of the U.S. EPA's NESHAPs, 40 C.F.R. 61.141.

31. The asbestos-containing floor tile that was rendered friable by improper removal methods and the dry, friable thermal pipe insulation removed from the buildings located on the Site are RACM as that term is defined in Section 61.141 of the U.S. EPA's NESHAPs, 40 C.F.R. 61.141.

32. Section 61.145(a) of the U.S. EPA's NESHAPs, 40 CFR 61.145(a), as adopted in Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2002), titled, Standard for demolition and renovation: provides, in pertinent part, as follows:

- a) *Applicability.* To determine which requirements of paragraphs (a), (b) and (c) of this Section apply to the owner or operator of a demolition or renovation activity and prior to the commencement of the demolition or renovation, thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable ACM. . . .

\* \* \*

- 4) In a facility being renovated, including any individual nonscheduled renovation operation, all the requirements of paragraphs (b) and (c) of this section apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is
  - (i) At least 80 linear meters (260 linear feet) on pipes or at least 15 square meters (160 square feet) on other facility components...

33. Respondent's removal from the buildings on the Site of asbestos-containing floor tile that was rendered friable by improper removal methods and dry, friable thermal pipe insulation, exceeded the one hundred and sixty (160) square feet and the two hundred and sixty (260) linear feet thresholds identified in Section 61.145(a) of the U.S. EPA's NESHAPs, 40 C.F.R. 61.145(a) and, therefore, subjects Respondent to the requirements of Sections 61.145(b) and (c) of the U.S. EPA's NESHAPs, 40 C.F.R. 61.145(b) and (c).

34. Section 61.145(b) of U.S. EPA's NESHAPs, 40 C.F.R. 61.145(b), provides, in relevant part, as follows:

(b) Notification requirements. Each owner or operator of a demolition or renovation activity to which this section applies shall:

(1) Provide the Administrator with written notice of intention to demolish or renovate. Delivery of the notice by U.S. Postal Service, commercial delivery service, or hand delivery is acceptable.

\* \* \*

(3) Postmark or deliver the notice as follows:

(i) At least 10 working days before asbestos stripping or removal work or any other activity begins (such as site preparation that would break up, dislodge or similarly disturb asbestos material), if the

operation is described in paragraphs (a) (1) through (4) . . .

35. Hillman failed to provide any notification, prior to November 5, 2003, to the Illinois EPA before stripping, removing and/or disturbing friable RACM at the Site.

36. By failing to provide any notification to the Illinois EPA before stripping, removing and/or disturbing friable RACM at the Site, Respondent violated Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2002), and Section 61.145(b) of the U.S. EPA's NESHAPs, 40 C.F.R. 61.145(b).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, JOEL HILLMAN, on this Count II:

1. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

2. Finding that Respondent has caused or allowed violations of Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2002), and Section 61.145(b) of the U.S. EPA's NESHAPs, 40 C.F.R. 61.145(b);

3. Ordering the Respondent to cease and desist from any further violations of Section 9.1(d) of the Act, 415 ILCS

5/9.1(d) (2002), and Section 61.145(b) of the U.S. EPA's NESHAPs, 40 C.F.R. 61.145(b);

4. Assessing a civil penalty of \$50,000.00 against Respondent for each violation of the Act and pertinent Board regulations, with an additional penalty of \$10,000.00 per day for each day that the violations continued;

5. Taxing all costs in this action, including expert witness, consultant and attorneys fees, against Respondent; and

6. Granting such other relief as the Board deems appropriate and just.

**COUNT III**

**FAILURE TO FOLLOW PROPER EMISSION CONTROL PROCEDURES**

1-31. Complainant realleges and incorporates herein by reference paragraphs 1 through 31 of Count II as paragraphs 1 through 31 of this Count III.

32. Section 61.145(c) (1) and (c) (6) of U.S. EPA's NESHAPs, 40 C.F.R. 61.145(c) (1) and (c) (6), provides, in relevant part, as follows:

(c) Procedures for asbestos emission control. Each owner or operator of a demolition or renovation activity to whom this paragraph applies, according to paragraph (a) of this section, shall comply with the following procedures:

\* \* \*

- (1) Remove all RACM from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal . . .

\* \* \*

- (6) For all RACM, including material that has been removed or stripped:
  - (i) Adequately wet the material and ensure that it remains wet until collected and contained or treated in preparation for disposal in accordance with § 61.150; and...

33. Respondent failed to remove all RACM from the Site before renovations began which broke up, dislodged and similarly disturbed the friable RACM. Respondent also failed to properly wet, remove, handle and dispose of the friable RACM.

34. By failing to remove all RACM from the Site before renovations began which broke up, dislodged and similarly disturbed the friable RACM and failing to properly wet, remove, handle and dispose of the friable RACM, Respondent violated Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2002), and Sections 61.145(c) (1) and (c) (6) of the U.S. EPA's NESHAPs, 40 C.F.R. 61.145(c) (1) and (c) (6).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, JOEL HILLMAN, on this Count III:

1. Authorizing a hearing in this matter at which time the Respondents will be required to answer the allegations herein;

2. Finding that Respondent has caused or allowed violations of Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2002), and 40 CFR 61.145(a), (c)(1), and (c)(6);

3. Ordering the Respondent to cease and desist from any further violations of Section 9.1(d)(1) of the Act and 40 CFR 61.145(c)(1), and (c)(6);

4. Assessing a civil penalty of Fifty Thousand Dollars (\$50,000.00) against each Respondent for each and every violation of the Act and pertinent regulations, with an additional penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of violation;

5. Ordering Respondent to pay all costs, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as the Board deems appropriate and just.

COUNT IV

IMPROPER DISPOSAL OF REGULATED  
ASBESTOS CONTAINING MATERIALS

1-31. Complainant realleges and incorporates herein by reference paragraphs 1 through 31 of Count II as paragraphs 1 through 31 of this Count IV.

32. Section 61.150 of the U.S. EPA's NESHAPs, 40 C.F.R. 61.150 (July 1, 1997), as adopted in Section 9.1(d) of the Act, titled Standard for waste disposal for manufacturing, fabricating, demolition, renovation, and spraying operations, provides, in relevant part, as follows:

Each owner or operator of any source covered under the provisions of section[] . . . 61.145 . . . shall comply with the following provisions:

\* \* \*

- (b) All asbestos-containing waste material shall be deposited as soon as practical by the waste generator at:
  - (1) A waste disposal site operated in accordance with the provisions of §61.154, or
  - (2) An EPA-approved site that converts RACM and asbestos-containing waste material into nonasbestos (asbestos-free) material according to the provisions of §61.155 . . . .

33. Section 61.141 of U.S. EPA's NESHAPs, 40 C.F.R.

61.141 provides the following definitions:

\* \* \*

Asbestos-containing waste materials means mill tailings or any waste that contains commercial asbestos and is generated by a source subject to the provisions of this subpart. This term includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with commercial asbestos. As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing.

\* \* \*

Waste generator means any owner or operator of a source covered by this subpart whose act or process produces asbestos-containing waste material.

\* \* \*

34. The RACM removed at the Site is "asbestos-containing waste material" as that term is defined in Section 61.141 of the U.S. EPA's NESHAPs, 40 C.F.R. 61.141.

35. Hillman is a "waste generator" as that term is defined in Section 61.141 of the U.S. EPA's NESHAPs, 40 C.F.R. 61.141.

36. Since November 5, 2003, or a date better known to Respondent, until at least July 17, 2004, Respondent failed to deposit its asbestos-containing waste material at a

waste disposal site or EPA-approved recycling site as soon as practical.

37. By failing to deposit its asbestos-containing waste material at a waste disposal site or EPA-approved recycling site as soon as practical, Respondent violated Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2002), and Section 61.150(b) of the U.S. EPA's NESHAPs, 40 C.F.R. 61.150(b).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, JOEL HILLMAN, on this Count IV:

1. Authorizing a hearing in this matter at which time the Respondents will be required to answer the allegations herein;

2. Finding that Respondent has caused or allowed violations of Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2002), and Section 61.150(b) of the U.S. EPA's NESHAPs, 40 C.F.R. 61.150(b);

3. Ordering the Respondent to cease and desist from any further violations of Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2002), and Section 61.150(b) of the U.S. EPA's NESHAPs, 40 C.F.R. 61.150(b);

4. Assessing a civil penalty of Fifty Thousand Dollars (\$50,000.00) against each Respondent for each and every violation of the Act and pertinent regulations, with an additional penalty of Ten Thousand Dollars (\$10,000.00) per day for each day of violation;

5. Ordering Respondent to pay all costs, including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

6. Granting such other relief as the Board deems appropriate and just.

PEOPLE OF THE STATE OF ILLINOIS,  
by LISA MADIGAN, Attorney  
General of the State of Illinois,

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

By:

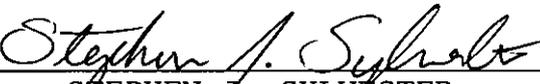
  
~~ROSEMARIE CAZEAU, Chief  
Assistant Attorney General  
Environmental Bureau North~~

Of Counsel:

STEPHEN J. SYLVESTER  
Assistant Attorney General  
Environmental Bureau North  
188 West Randolph Street, 20th Floor  
Chicago, Illinois 60601  
(312) 814-2087

CERTIFICATE OF SERVICE

I, STEPHEN J. SYLVESTER, an Assistant Attorney General in this case, do certify that I caused to be served this 24<sup>th</sup> day of August, 2005, the foregoing Complaint and Notice of Filing upon the persons listed on said Notice by depositing same in an envelope, by certified mail and by first class postage prepaid, with the United States Postal Service at 100 West Randolph Street, Chicago, Illinois, at or before the hour of 5:00 p.m.

  
STEPHEN J. SYLVESTER