

ILLINOIS POLLUTION CONTROL BOARD  
August 22, 2013

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 13-51  
) (Enforcement - Air)  
MIDWEST ENVIRONMENTAL CONSULTING )  
SERVICES, INC., an Illinois corporation, and )  
UNIVERSAL ASBESTOS REMOVAL, INC., an )  
Illinois corporation, )  
)  
Respondents. )

ORDER OF THE BOARD (by J.D. O’Leary):

On March 29, 2013, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a three-count complaint against Midwest Environmental Consulting Services, Inc. (Midwest) and Universal Asbestos Removal, Inc. (Universal) (collectively, respondents). The complaint concerns respondents’ asbestos removal work at the Sheffield Elementary School (School). Prior to its demolition, the School was located at 306 South East Street in Sheffield, Bureau County. Now pending are two separate stipulations and proposals for settlement, as well as corresponding requests for relief from the hearing requirement. For the reasons below, the Board directs the Clerk to provide public notice of the stipulations, proposed settlements, and requests for hearing relief.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), the Attorney General and the State’s Attorneys may bring actions before the Board to enforce Illinois’ environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that respondents violated Sections 9(a) and 9.1(d)(1) of the Act (415 ILCS 5/9(a), 9.1(d)(1) (2010)), Section 201.141 of the Board’s air pollution regulations (35 Ill. Adm. Code 201.141), and Sections 61.145(a) and 61.145(c)(1) of the asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) (40 C.F.R. §§ 61.145(a), 61.145(c)(1)).<sup>1</sup> The People allege that respondents violated these provisions by (1) threatening the discharge or emission of a contaminant so as to cause or tend to cause air pollution in Illinois, (2) failing to thoroughly inspect the School prior to conducting renovation activities at the School, and (3) failing to remove all regulated asbestos-containing material (RACM) from the School before demolition.

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<sup>1</sup> Section 9.1(d)(1) of the Act prohibits anyone from violating any provisions of Section 111, 112, 165, or 173 of the federal Clean Air Act (CAA) or federal regulations adopted thereunder. *See* 415 ILCS 5/9.1(d)(1) (2010). Under Section 112 of the CAA (42 U.S.C. § 7412), the United States Environmental Protection Agency adopted NESHAP regulations for asbestos at 40 C.F.R. 61, Subpart M.

On August 14, 2013, the parties filed two separate stipulations and proposed settlement agreements, each accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2010)). These filings are authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under one of the proposed stipulations, Midwest does not affirmatively admit the alleged violations but agrees to pay a civil penalty of \$15,000. Under the other proposed stipulation, Universal does not affirmatively admit the alleged violations but agrees to pay a civil penalty of \$15,000.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulations, proposed settlements, and requests for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the corresponding request or requests for hearing relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2010); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 22, 2013, by a vote of 4-0.



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John T. Therriault, Clerk  
Illinois Pollution Control Board