

ILLINOIS POLLUTION CONTROL BOARD  
September 19, 1996

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 v. )  
 ) PCB 96-267  
 ATLAS DISMANTLING CORPORATION, ) (Enforcement - Air)  
 an Illinois corporation, and CARY )  
 CORNERS PARTNERSHIP, an Illinois )  
 general partnership, )  
 )  
 Respondents. )

SUPPLEMENTAL ORDER OF THE BOARD (by C.A. Manning):

On September 11, 1996, the parties filed an agreed motion asking the Board to reconsider and modify its August 15, 1996 opinion and order accepting each of the parties' stipulations and proposals for settlement. The parties assert that the Board "mistakenly neglected to include the language of the reporting requirements [in each of the stipulations]."

The Board does not customarily reproduce each of the provisions in the stipulations presented to it. Instead, as we did here, we incorporate the stipulations by reference in paragraph one of the order; we do set out any penalty payment provisions contained in the stipulation as a separate paragraph. However, this is done to facilitate auditing of our records, rather than as a matter of necessity given the incorporation paragraph.

The parties' motion to modify is hereby granted.<sup>1</sup> We will reproduce the reporting requirements as the parties have requested, but we ask complainant to note that we do not plan to routinely change our usual practice of avoiding repetition by incorporating material by reference in the text of the stipulations. The Board will add the amendments to the order as requested. For the parties' convenience, the order as modified is set forth in its entirety below.

ORDER

1. The Board hereby accepts the stipulation and settlement agreements executed by the People of the State of Illinois and against Atlas Dismantling Corporation

---

<sup>1</sup> The reporting requirements are noted at paragraph numbers 3 and 5 of the order.

(Atlas), an Illinois corporation located at 71 Laverne, Hillside, Illinois and Cary Corners Partnership (Cary Corners) located at 1564 West Algonquin Road, Hoffman Estates, Illinois regarding Cary Corners site located at 300-380 Northwest Highway, Cary, McHenry County, Illinois. The stipulation and settlement agreements are incorporated by reference as though fully set forth herein.

2. Atlas shall pay a total sum of \$1,500. Payment shall be made pursuant to the following schedule:
  - a. \$300.00 within thirty (30) days from the date of this order; and
  - b. \$300.00 every thirty (30) days thereafter until payment is made in full.

Such payments shall 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  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276

A copy of the payment transmittal and check shall be simultaneously submitted to:

Thomas S. Gozdzik  
Assistant Attorney General  
Environmental Bureau  
100 West Randolph Street, 11th Floor  
Chicago, Illinois 60601

The certified check or money order shall clearly indicate on its face respondent's federal employer identification number, "Payment from Atlas Dismantling Corporation - DLC file number 353-95," this case number, PCB 96-267, and that payment is directed to the Environmental Protection Trust Fund.

3. Atlas shall comply with the following reporting requirements:
  - a. The owner/operator must, in the future, provide the Agency with written notification of the demolition/renovation activities in a timely and complete as required by the National Emission Standards for Hazardous Air Pollutants (NESHAPs) for asbestos.

- b. The owner/operator shall provide a monthly report summarizing each renovation or demolition activity that is completed during the month and state the following:
- i. The location of the demolition or renovation activity, specifically number, street address, city, county and state;
  - ii. An estimate of the amount of regulated asbestos-containing material (RACM) in the facility; and
  - iii. The actual start and completion dates of the renovation or demolition.

The monthly report shall be submitted within fifteen days (15) after the last day of each calendar month, commencing with a report for the first full month following entry of an order in this matter.

Reports are to be sent to:

Illinois Environmental Protection Agency  
Attn: Otto J. Klein  
1340 North Ninth Street  
Springfield, IL 62707

The monthly reports required by this paragraph shall be accompanied by the following statement of certification:

I certify that the following information contained in or accompanying this submission is true, accurate, and complete. This certification is based either on my personal preparation, review or analysis of the submission, and /or supervision of the persons, who, acting on my direct instruction, made the verification that the information is true, accurate and complete.

- c. Only demolition or renovation activities that would require Agency notification under the asbestos NESHAP need be reported under the requirement set forth in paragraph 5b. If no demolition or renovation activity occurred during the month, the report should so state. If no demolition or renovation activity occurred during the month, but notification was not required under the asbestos NESHAP, the report should state so.
- d. The owner/operator shall comply with the reporting requirement set forth in paragraph 5b for a period of one year after the filing of an order

in this matter or until such times as there is a written agreement between the Agency and the owner/operator to cease with the reporting.

- e. The owner/operator shall maintain records of all notifications and reports.
4. Respondent, Cary Corners shall pay the sum of \$5,200 within 30 days of the date of this order. Such payment shall 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  
2200 Churchill Road  
P.O. Box 19276  
Springfield, IL 62794-9276

A copy of the payment transmittal and check shall be simultaneously submitted to:

Thomas S. Gozdzik  
Assistant Attorney General  
Environmental Bureau  
100 West Randolph Street, 11th Floor  
Chicago, Illinois 60601

The certified check or money order shall clearly indicate on its face respondent's federal employer identification number, "Payment from Cary Corners Partnership - DLC file number 353-95", this case number, PCB 96-267, and that payment is directed to the Environmental Protection Trust Fund.

5. Cary Corners shall comply with the following reporting requirements:
- a. The owner/operator must, in the future, provide the Agency with written notification of the demolition/renovation activities in a timely and complete manner as required by the National Emission Standards for Hazardous Air Pollutants (NESHAPs) for asbestos.
  - b. The owner/operator shall provide a monthly report summarizing each renovation or demolition activity that is completed during the month and state the following:
    - i. The location of the demolition or renovation activity, specifically number, street address, city, county and state;

- ii. An estimate of the amount of RACM in the facility; and
- iii. The actual start and completion dates of the renovation or demolition.

The monthly report shall be submitted within fifteen days (15) after the last day of each calendar month, commencing with a report for the first full month following entry of an order in this matter.

Reports are to be sent to:

Illinois Environmental Protection Agency  
Attn: Otto J. Klein  
1340 North Ninth Street  
Springfield, IL 62707

The monthly reports required by this paragraph shall be accompanied by the following statement of certification:

I certify that the following information contained in or accompanying this submission is true, accurate, and complete. This certification is based either on my personal preparation, review or analysis of the submission, and /or supervision of the persons, who, acting on my direct instruction, made the verification that the information is true, accurate and complete.

- c. Only demolition or renovation activities that would require Agency notification under the asbestos NESHAP need be reported under the requirement set forth in paragraph 4b. If no demolition or renovation activity occurred during the month, the report should so state. If no demolition or renovation activity occurred during the month, but notification was not required under the asbestos NESHAP, the report should state so.
- d. The owner/operator shall comply with the reporting requirement set forth in paragraph 4b for a period of one year after the filing of an order in this matter or until such times as there is a written agreement between the Agency and the owner/operator to cease with the reporting.
- e. The owner/operator shall maintain records of all notifications and reports.

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), as now or hereafter amended, from the date payment is due

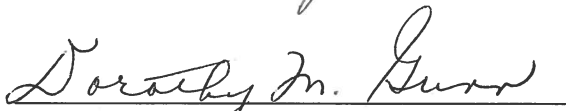
until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

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

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (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 supplemental order was adopted on the 19<sup>th</sup> day of September, 1996, by a vote of 7-0.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

RECEIVED  
CLERK'S OFFICE  
JUN 28 1996  
STATE OF ILLINOIS  
POLLUTION CONTROL BOARD

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 -vs- )  
 )  
 ATLAS DISMANTLING CORPORATION, )  
 an Illinois Corporation, and )  
 CARY CORNERS PARTNERSHIP, an )  
 Illinois General Partnership, )  
 )  
 Respondents. )

PCB 96-267  
(Enforcement)

STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by JAMES E. RYAN, Attorney General of the State of Illinois, on his own motion, and at the request of the Illinois Environmental Protection Agency ("Agency"), and Respondent, ATLAS DISMANTLING CORPORATION, do hereby submit this Stipulation and Proposal for Settlement. The parties agree that the Complainant's statement of facts contained herein is agreed to only for the purposes of settlement. The parties further state that neither the fact that a party has entered into this stipulation, nor any of the facts stipulated herein, shall be admissible into evidence, or used for any purpose in this, or any other proceeding, except to enforce the terms hereof, by the parties to this agreement. Notwithstanding the previous sentence, this Stipulation and Proposal for Settlement, and any Illinois Pollution Control Board ("Board") order accepting same, may be used as a factor to be considered under Section 42(h) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/42(h)(1994), in determining appropriate civil penalties for any future violations of the Act. This Stipulation and Proposal for Settlement shall be null and void unless the Board approves and disposes of this matter on

each and every one of the terms and conditions of the settlement set forth herein.

I.

JURISDICTION

The Board has jurisdiction of the subject matter herein and of the parties consenting hereto pursuant to the Act, 415 ILCS 5/1 et seq. (1994).

II.

AUTHORIZATION

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 Stipulation and Proposal for Settlement and to legally bind them to it.

III.

APPLICABILITY

This Stipulation and Proposal for Settlement shall apply to, and be binding upon, the Complainant and Respondent, and any officer, agent, employee or servant of Respondent, as well as the Respondent's successors and assigns. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this settlement the failure of its officers, directors, agents, servants or employees to take such action as shall be required to comply with the provisions of this settlement.



IV.

STATEMENT OF FACTS

1. The Agency is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (1994), and charged, *inter alia*, with the duty of enforcing the Act.

2. Atlas Dismantling Corporation ("Atlas") is an Illinois Corporation located at 71 Laverne, Hillside, Cook County, Illinois.

3. Sometime prior to September 22, 1994, at a time better known to Respondent, Cary Corners Partnership ("Cary Corners"), the owner of Cary Corners Shopping Center, hired United Insulated Structures Corp. ("United") to remove a canopy from the store fronts at Cary Corners Shopping Center, located at 300-380 Northwest Highway, Cary, McHenry County, Illinois. United sub-contracted the canopy removal project to Atlas.

4. Sometime prior to September 22, 1994, at a time better known to Respondent, Atlas began removing the canopy from Cary Corners Shopping Center.

5. Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (1994), provides as follows:

No person shall:

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

6. Pursuant to Section 112(b)(1) of the Clean Air Act ("CAA"), 42 USC 7412(b)(1), the Administrator of the United States Environmental Protection Agency ("USEPA") has listed asbestos as a hazardous air pollutant.

7. Section 112(d) of the CAA, 42 USC 7412(d), 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 . . .

8. Section 112(h) of the CAA, 42 USC 7412(h), 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 . . .

9. 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, the USEPA has adopted National Emission Standards for Hazardous Air Pollutants (NESHAPs), including asbestos, 40 CFR 61, Subpart M.

10. Section 61.141 of the USEPA's NESHAPs, 40 CFR 61.141 (July 1, 1994), provides in 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 II nonfriable ACM* means any material, excluding Category I nonfriable ACM, containing more than 1 percent asbestos as determined using the methods specified in appendix A, subpart F, 40 CFR part 763, section 1, Polarized

Light Microscopy that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

*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.

*Facility component* means any part of a facility including equipment.

*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.

*Nonfriable asbestos-containing material* means any material containing more than 1 percent asbestos as determined using the method specified in appendix A, subpart F, 40 CFR part 763, section 1, Polarized Light Microscopy, that, when dry, cannot be crumbled, pulverized or reduced to powder by hand pressure.

*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.

*Structural member* means any load-supporting member of a facility, such as beams and load supporting walls; or any nonload-supporting member, such as ceilings and nonload-supporting walls.

11. Cary Corners Shopping Center is a facility as that term is defined in 40 CFR 61.141

12. The removal of the canopy at the facility constituted a demolition as that term is defined in 40 CFR 61.141.

13. Atlas, as persons who operated, controlled and supervised the demolition activities, was an operator of a demolition activity, as that term is defined in 40 CFR 61.141.

14. Thus, the requirements of 40 CFR 61.145(b) apply to Respondent Atlas.

15. Section 61.145(b) of USEPA's NESHAPs, 40 CFR 61.145(b) (July 1, 1991), as adopted in Section 9.1(d) of the Act, titled Standard for demolition and renovation: Notification requirements, provides in pertinent part as follows:

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 service is acceptable.
- (2) Update notice, as necessary, including when the amount of asbestos affected changes by at least 20 percent.
- (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) and (4) (except (a) (4) (iii) and (a) (5) (iv)) of this section. If the operation is as described in paragraph (a) (2) of this section, notification is required 10 working days before demolition begins.

16. At a time prior to September 22, 1994, the demolition operation began without Atlas having properly notified the Agency or the USEPA of the demolition activities.

## V.

### VIOLATIONS

Complainant alleges that prior to September 22, 1994, the demolition operation at Cary Corners Shopping Center began, without Atlas having properly notified the Agency or the USEPA in violation of Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (1994), and 40 CFR 61.145(b).

## VI.

### NATURE OF RESPONDENT'S OPERATION

Atlas Dismantling Corporation is in the business of demolishing structures.

## VII.

### EXPLANATION OF PAST FAILURES TO COMPLY

Atlas maintains that it was unaware of the need to notify the Agency or the USEPA prior to removing the canopy at Cary Corners Shopping Center.

## VIII.

### FUTURE PLANS OF COMPLIANCE

Atlas shall conform with all requirements of the Act, any and all Illinois Pollution Control Board Air Pollution Regulations, 35 Ill. Adm. Code Subtitles A through H, and the NESHAP for asbestos, 40 CFR 61, Subpart M.

## IX.

### IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (1994), provides as follows:

- c. In making its orders and determinations, the Board shall take into consideration all of the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:
  1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
  2. the social and economic value of the pollution source;
  3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
  4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
  5. any subsequent compliance.

In response to these factors the parties state as follows:

1. The effect of Atlas' noncompliance was that the Agency was unaware of Atlas' demolition activities until after they had

already commenced. This prevented the Agency from conducting an inspection prior to or at the start of the demolition activity. The Agency inspection process is an important tool in the control of asbestos emissions from demolition and renovation projects.

2. Atlas' operations have social and economic benefit.

3. Atlas' operations were suitable to the area in which they occurred.

4. It was technically practical and economically reasonable for Atlas to notify the Agency or the USEPA prior to removing the canopy from Cary Corners Shopping Center.

5. Atlas was unable to come into subsequent compliance with the Act and the NESHAP for asbestos notification requirements, because the notification must be filed prior to the commencement of the demolition activities.

#### X.

#### CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (1994), provides as follows:

In determining the appropriate civil penalty to be imposed under subdivisions (a), (b) (1), (b) (2) or (b) (3) of this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the violator in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the violator because of delay in compliance with requirements;

4. the amount of monetary penalty which will serve to deter further violations by the violator and to otherwise aid in enhancing voluntary compliance with this act by the violator and other persons similarly subject to the Act; and
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the violator.

In response to these factors the parties state as follows:

1. The violations, as set forth in Section V herein, occurred on or about September 22, 1994. The gravity of the violation was that the Agency was unable to inspect the building prior to or at the start of the project because Atlas failed to provide notice to the Agency of the demolition activity.

2. Once Atlas was informed by the Agency that a notification of demolition activities was required, Atlas was diligent in filing a notification.

3. Atlas did not accrue a substantial economic benefit by not complying with the Act and the NESHAP for asbestos.

4. A civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) will serve to deter any future violations of the Act and the NESHAP for asbestos, and will enhance voluntary compliance with the law.

5. We are not aware of any previously adjudicated violations of the Act by Respondent.

X.

TERMS OF SETTLEMENT

1. Atlas admits to the violations alleged by the Complainant herein.



2. Atlas shall pay a civil penalty of One Thousand Five Hundred Dollars (\$1,500.00) into the Illinois Environmental Protection Trust Fund, as follows:

a. Three Hundred Dollars (\$300.00) within thirty (30) days from the date the Board adopts a final opinion and order approving this Stipulation and Proposal for Settlement.

b. Three Hundred Dollars (\$300.00) within sixty (60) days from the date the Board adopts a final opinion and order approving this Stipulation and Proposal for Settlement.

c. Three Hundred Dollars (\$300.00) within ninety (90) days from the date the Board adopts a final opinion and order approving this Stipulation and Proposal for Settlement.

d. Three Hundred Dollars (\$300.00) within one hundred twenty (120) days from the date the Board adopts a final opinion and order approving this Stipulation and Proposal for Settlement.

e. Three Hundred Dollars (\$300.00) within one hundred fifty (150) days from the date the Board adopts a final opinion and order approving this Stipulation and Proposal for Settlement.

Payment shall be made by certified check or money order, payable to the Treasurer of the State of Illinois, designated to the Illinois Environmental Protection Trust Fund, and shall be sent by first class mail to:

Illinois Environmental Protection Agency  
Fiscal Services Section  
2200 Churchill Road  
P.O. Box 19276  
Springfield, Illinois 62794-9276

A copy of the check shall be sent to:

Thomas S. Gozdziaik  
Assistant Attorney General  
Environmental Bureau  
100 West Randolph Street, 11th Floor  
Chicago, Illinois 60601

The Court case number, Atlas' FEIN # and "Payment from Atlas Dismantling Corporation - DLC File # 353-95" shall appear on the face of the certified check or money order.

3. If any payment is missed or late, all remaining payments shall become immediately due and owing.

4. Pursuant to Section 42(g) of the Act, 415 ILCS 5/42(g) (1994), interest shall accrue on any amount not paid, within the time prescribed herein, at the maximum rate allowable under Section 1003(a) of the Illinois Income Tax Act, 35 ILCS 5/1003(a) (1994).

a. Interest on unpaid amounts shall begin to accrue from the date the penalty payment is due and continue to accrue to the date payment is received.

b. Where partial payment is made on any payment amount that is due, such partial payment shall be first applied to any interest on unpaid amounts then owing.

c. All interest on amounts owed the Plaintiff, shall be paid by certified check payable to the Treasurer of the State of Illinois for deposit in the Environmental Protection Trust Fund and delivered in the same manner as described in Section XI.2. herein.

5. Atlas shall comply with the following reporting requirements:

a. The owner/operator must, in the future, provide the Agency with written notification of demolition/renovation activities in a timely and complete as required by the NESHAP for asbestos.

b. The owner/operator shall provide a monthly report summarizing each renovation or demolition activity that is completed during the month and state the following information:

i. The location of the demolition or renovation activity, specifically number, street address, city, county and state;

ii. An estimate of the amount of RACM in the facility; and

iii. The actual start and completion dates of the renovation or demolition.

The monthly report shall be submitted within fifteen days (15) after the last day of each calendar month, commencing with a report for the first full month following entry of an order in this matter.

Reports shall be sent to:

Illinois Environmental Protection Agency  
ATTN: Otto J. Klein, Jr.  
1340 North Ninth Street  
Springfield, IL 62707

The monthly reports required by this paragraph shall be accompanied by the following statement of certification:

I certify that the following information contained in or accompanying this submission is true, accurate and complete. This certification is based either on my personal preparation, review or analysis of the submission, and/or supervision of persons, who, acting on my direct instructions, made the verification that the information is true, accurate

and complete.

c. Only demolition or renovation activities that would require Agency notification under the asbestos NESHAP need be reported under the requirement set forth in Paragraph 5.b. If no demolition or renovation activity occurred during the month, the report should so state. If demolition or renovation activity occurred during the month, but notification was not required under the asbestos NESHAP, the report should so state.

d. The owner/operator shall comply with the reporting requirement set forth in Paragraph 5.b. for a period of one year after the filing of an order in this matter or until such time as there is a written agreement between the Agency and the owner/operator to cease with the reporting.

e. The owner/operator shall maintain records of all notifications and reports.

6. Atlas shall at all times comply with the provisions of the CAA, adopted under Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (1994), and the NESHAP for asbestos, 40 CFR 61, Subpart M.

7. Atlas shall cease and desist from further violations of the CAA, adopted under Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (1994), and the NESHAP for asbestos, 40 CFR 61, Subpart M.

## XII.

### COMPLIANCE WITH OTHER LAWS AND REGULATIONS

This Stipulation and Proposal for Settlement in no way affects Respondent's responsibility to comply with any federal, state or local laws and regulations, including but not limited to, the Act,

415 ILCS 5/1 et seq. (1994), and the NESHAP for asbestos, 40 CFR 61, Subpart M.

XIII.

RIGHT OF ENTRY

In addition to any authority at law, the Agency, its employees and representatives, and the Illinois Attorney General, his agents and representatives, shall have the right of entry to the facility at all reasonable times, for the purposes of conducting inspections of Respondent's operations. The Agency, its employees and representatives, and the Attorney General, his agents and representatives, may take any photographs or samples they deem necessary in order to conduct their inspection.

XIV.

RELEASE FROM LIABILITY

In consideration of Respondent's payment of a One Thousand Five Hundred Dollars (\$1,500.00) civil penalty and commitment to refrain from further violations of the Act and regulations promulgated thereunder, the Complainant releases, waives and discharges Respondent and its officers, directors, employees, agents, successors and assigns from any further liability or penalties from claimed violations of the Act and regulations which were the subject matter of the Complaint herein. However, nothing in this Stipulation and Proposal for Settlement shall be construed as a waiver by Complainant of the right to redress future violations or obtain penalties with respect thereto.

WHEREFORE, Complainant and Respondent request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.


AGREED:

FOR THE COMPLAINANT:

PEOPLE OF THE STATE OF ILLINOIS

JAMES E. RYAN  
Attorney General  
State of Illinois


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

By:   
WILLIAM D. SEITH, Chief  
Environmental Bureau  
Assistant Attorney General

Dated: 5/17/96

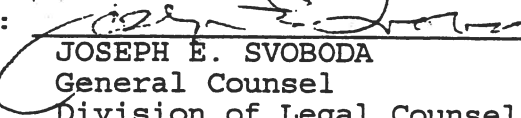
FOR THE RESPONDENT:

ATLAS DISMANTLING CORPORATION

By:   
FRANK J. VENEZIA

Dated: May 31-96

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
JOSEPH E. SVOBODA  
General Counsel  
Division of Legal Counsel

Dated: 5-14-96

c:\crycrnr\atlas.stp