

ILLINOIS POLLUTION CONTROL BOARD
March 21, 2002

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| PEOPLE OF THE STATE OF ILLINOIS, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | PCB 02-120 |
| |) | (Enforcement – Air) |
| ENTLER EXCAVATING COMPANY, an |) | |
| Illinois corporation, |) | |
| |) | |
| Respondent. |) | |

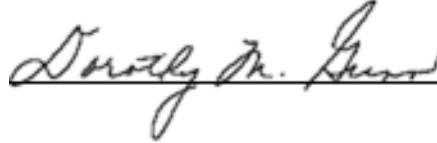
ORDER OF THE BOARD (by N.J. Melas)

On March 6, 2002, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Entler Excavating Company (Entler). *See* 415 ILCS 5/31(c)(1) (2000); 35 Ill. Adm. Code 103.204. The People allege that Entler violated Sections 9(a) and 9.1(d) of the Environmental Protection Act (415 ILCS 5/9(a) and 5/9.1(d) (2000)), Section 201.141 of the Board’s regulations (35 Ill. Adm. Code 201.141), and Sections 61.145(c), 61.150(a), and 61.150(b) of the National Emissions Standards for Hazardous Air Pollutants for asbestos (40 C.F.R. 61.145(c), 61.150(a), 61.150(b)). The People further allege that Entler violated these provisions by causing air pollution, failing to properly contain asbestos-containing material (ACM), failing to properly mark trucks hauling away ACM, failing to keep temperature records, and failing to have an on-site representative during demolition. The complaint concerns Entler’s demolition project at 540 Cerro Gordo, Decatur, Macon County.

The Board accepts the complaint for hearing. *See* 35 Ill. Adm. Code 103.212(c). A respondent’s failure to file an answer to a complaint within 60 days after receiving the complaint may have severe consequences. Generally, if Entler fails within that timeframe to file an answer specifically denying, or asserting insufficient knowledge to form a belief of, a material allegation in the complaint, the Board will consider Entler to have admitted the allegation. 35 Ill. Adm. Code 103.204(d). The Board directs the hearing officer to proceed expeditiously to hearing.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 21, 2002, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board