

ILLINOIS POLLUTION CONTROL BOARD
December 1, 1994

PEOPLE OF THE STATE)	
OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 94-264
)	(Enforcement)
FIRST BAPTIST CHURCH Of)	
MARSEILLES, an Illinois)	
not-for-profit corporation,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD:

This matter comes before the Board upon a three-count complaint filed September 26, 1994, by Roland W. Burris, Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, against First Baptist Church of Marseilles, an Illinois not-for-profit corporation, located at 555 Bluff Street, Marseilles, LaSalle County, Illinois. The complaint alleges that First Baptist Church of Marseilles has violated Sections 9(a) and 9.1(d)(1) of the Illinois Environmental Protection Act (Act), 415 ILCS 5/9(a), 5/9.1(d) and 40 C.F.R. §61.145(b), 61.145(c)(1) and 61.150(b) for failure to provide notification of asbestos demolition activity, violating asbestos emission control procedures and improper disposal of asbestos containing material at its facility known as the old McKinley School located in Marseilles, LaSalle County, Illinois.

Pursuant to 415 ILCS 5/31(a)(2), the parties filed a joint Motion requesting relief from the Act's hearing requirement on September 26, 1994. The Board published a Notice of the waiver on October 20, 1994; no objection to grant of the waiver was received. Waiver of hearing is hereby granted.

The parties filed a Stipulation and Settlement Agreement on September 26, 1994. The Stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. First Baptist Church of Marseilles neither admits nor denies the alleged violations.

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 pollution control regulations.

This opinion constitutes the Board's findings 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 First Baptist Church of Marseilles, concerning its facility known as the old McKinley School located in Marseilles, LaSalle County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) First Baptist Church of Marseilles, shall pave or oil and chip the parking area within 90 days of the date of this Order. During the paving of the parking area, Respondent shall take measures to prevent subsequent settling of the pavement. In addition, Respondent shall monitor and maintain the parking area for three years to prevent settling. Respondent shall take whatever remedial action is necessary to abate any settling problems that appear during the three year period. The Respondent shall also provide written certification to the Agency that the paving of oil and chips has been completed within ten (10) days of completion.
- 3) The Respondent shall file a notice in recordable form within thirty (30) days with the LaSalle County Recorder of Deeds, such that for the property upon which the waste in question has been deposited, notice of such burial and remediation shall be provided for in a title search of the property. Such notice shall be approved by the Agency and the Illinois Attorney General's Office prior to filing. For the purposes of this Section, notices and plans should be forwarded to:

Karen Barancik
Assistant Counsel
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276
- 4) For the purpose of settlement and without admitting any violation thereof, the Respondent does not contest the violations alleged in the complaint.
- 5) Respondent is not hereby released from any future groundwater and surface contamination due to on-site

burial of the asbestos and the State reserves the right to bring an enforcement action for any future ground or surface water contamination.

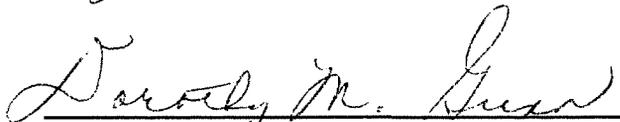
- 6) The respondent shall ensure that any and all applicable provisions of the Responsible Property Transfer Act, Ill. Rev. Stat. 1991, ch. 30, par. 901, et seq. are complied with in the event of transfer of the property in question.
- 7) First Baptist Church of Marseilles shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Board Member J. Theodore Meyer concurred.

Section 41 of the Environmental Protection Act (415 ILCS 5/41) provides for the appeal of final Board orders within 35 days of the date of service of this order. (See also 35 Ill. Adm. Code 101.246, Motion 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 1st day of September, 1994, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board