

ILLINOIS POLLUTION CONTROL BOARD
August 1, 1994

PEOPLE OF THE STATE)	
OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 94-181
)	(Enforcement)
ASBESTOS CONTROL AND)	
ENVIRONMENTAL SERVICES CORP.,)	
an Illinois Corporation,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD:

This matter comes before the Board upon a two-count complaint filed June 24, 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 Asbestos Control and Environmental Services Corp., an Illinois Corporation located at P. O. Box 945, in the City of Wheaton, DuPage County, Illinois. The complaint alleges that Asbestos Control and Environmental Services Corp. has violated Section 9.1(d)(1) of the Illinois Environmental Protection Act (Act), 415 ILCS 5/9.1(d), 40 C.F.R. §61.145(b)(3)(1992), and 40 C.F.R. §60.150(a)(1)(1992) for improper notification of asbestos removal and demolition and failure to label containers containing asbestos material at the Old Union School, located at 405 North 6th Street, Wheaton, DuPage 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 June 24, 1994. The Board published a Notice of the waiver on June 30, 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 June 24, 1994. The Stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Asbestos Control and Environmental Services Corp. admits the alleged violations and agrees to pay a civil penalty of three thousand dollars (\$3,000.00).

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 Asbestos Control and Environmental Services Corp., concerning its facility located at P. O. Box 945, in the City of Wheaton, DuPage County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) The Asbestos Control and Environmental Services Corp., shall pay the sum of three thousand dollars (\$3,000.00), according to the following schedule:
 - a) Within thirty days of this order, the Asbestos Control and Environmental Services Corp., shall pay the amount of one thousand dollars (\$1,000.00).
 - b) Every thirty (30) days thereafter the Asbestos Control and Environmental Services Corp., shall pay two hundred dollars (\$200.00) until payment of said penalty is made in full.
 - c) In the event respondent defaults on any portion of the \$3,000.00 penalty, the remaining unpaid balance of the \$3,000.00 plus any accrued interest shall be due and owing within five (5) days of said default.

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

The certified check or money order shall clearly indicate on its face, the Asbestos Control and Environmental Services Corp.'s Federal Employer

Identification Number or Social Security Number and that payment is directed to the Environmental Protection Trust Fund.

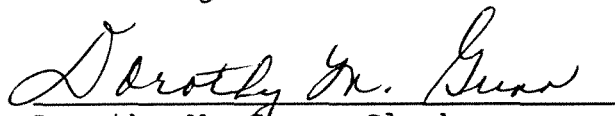
Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

- 3) Asbestos Control and Environmental Services Corp. shall cease and desist from the alleged violations.

IT IS SO ORDERED.

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 August, 1994, by a vote of 4-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board