ILLINOIS POLLUTION CONTROL BOARD November 2, 2000

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)	
V.)	PCB 97-135
CHAMPION ENVIRONMENTAL)	(Enforcement - Air)
SERVICES, a Wisconsin corporation,)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by N.J. Melas):

On February 11, 1997, the People of the State of Illinois (People) filed a two-count complaint against respondent Champion Environmental Services (Champion), an asbestos abatement contractor. On February 8, 2000, the People filed a five-count amended complaint against Champion. The amended complaint alleges Champion caused air pollution, failed to provide timely notice prior to demolition or renovation, failed to provide complete notice of demolition or renovation, failed to follow proper emission control procedures, and failed to properly dispose of waste at ten facilities within Illinois, in violation of Sections 9(a) and 9.1(d) of the Environmental Protection Act (Act) (415 ILCS 5/9(a), 9.1(d) (1998)), the Board's air regulations at 35 Ill. Adm. Code 201.141, and the asbestos National Emission Standards for Hazardous Air Pollutants at 40 C.F.R § 61.150(a)(iv) and 61.145(b)(1), (b)(3), (b)(4), (c)(6).

On September 8, 2000, the parties filed a joint stipulation and proposal for settlement, accompanied by a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (1998)). Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), the Board caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The notice appeared in *The Daily Times* on September 25, 2000, *The Elmhurst Press* on September 27, 2000, *The Arlington Heights Post* on September 28, 2000, *The News-Gazette* on September 24, 2000, *The Peoria Journal Star* on September 21, 2000, *The Chicago Sun Times* on September 27, 2000, and *The Times-Republic* on September 25, 2000. The Board did not receive any requests for hearing. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation and proposal for settlement sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. In the proposed stipulation Champion denies the allegations contained in counts I, IV, and V, concerning air pollution, improper emission control, and improper disposal. Champion admits the notification violations contained in counts II and III, but asserts that a miscommunication with the Illinois Environmental Protection Agency contributed to those violations. Champion agrees to pay a civil penalty of \$25,000.

The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. Champion must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's 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 and Champion. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
- 2. Champion must pay the sum of \$25,000. Payments shall begin within 30 days of the date of this order, that is, on or before December 2, 2000. Such payment must be made by certified check or money order payable to the Illinois Environmental Protection Agency, designated to the Environmental Protection Trust Fund. The case number, case name, and the Champion's federal employer identification number must also be included on the certified check or money order and must clearly indicate that payment is directed to the Environmental Protection Trust Fund.
- 3. The check or money order must be sent by first class mail to:

Illinois Environmental Protection Agency Fiscal Services Division 1021 North Grand Avenue East P.O. Box 19276 Springfield, Illinois 62702

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

Kelly Cartwright Assistant Attorney General Environmental Bureau Illinois Attorney General's Office 188 W. Randolph St., 20th Floor Chicago, Illinois 60601

4. 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 (1998)), 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.

5. Respondent shall cease and desist future alleged violations of any federal, State, or local statutes and regulations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; 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 opinion and order was adopted on the 2nd day of November 2000 by a vote of 7-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board