## ILLINOIS POLLUTION CONTROL BOARD January 7, 1999

PEOPLE OF THE STATE OF ILLINOIS,		)	
	Complainant,	) )	
	v.	)	PCB 94-288
JOHN	NORDIGIAN,	)	(Enforcement - Air)
	Respondent.	)	

OPINION AND ORDER OF THE BOARD (by K.M. Hennessey):

On November 30, 1998, the parties filed a stipulation and proposal for settlement. The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. The complaint alleged that respondent violated Section 9.1(d)(1) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(d) (1996)) and Sections 61.145(c) and 61.150(a) and (b) of the National Emission Standards for Hazardous Air Pollutants (40 C.F.R. § §61.145(c), 61.150(a), (b)) by improperly removing, handling, and disposing of regulated asbestos-containing material.

Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1996)), 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 Board did not receive any requests for hearing. Accordingly, the Board grants a waiver of 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. Respondent denies the alleged violations and agrees to pay a civil penalty of \$1,000. Respondent 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 of the State of Illinois and respondent, John Nordigian, located in Wadsworth, Lake County, Illinois. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.

- 2. The respondent shall pay the total sum of \$1,000 pursuant to the following schedule:
  - a. \$300 within 30 days of the date of this order; and
  - b. \$700 within 120 days of the date of this order.

Such payments shall be made by certified check payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund. The case number, case name, and respondent's social security number shall also be included on each check and should clearly indicate that payment is directed to the Environmental Protection Trust Fund.

3. The check shall 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 62794-9276

- 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), 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 from the alleged violations.

## IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1996)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days 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 7th day of January 1999 by a vote of 5-0.

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Dorothy M. Gunn, Clerk Illinois Pollution Control Board