

ILLINOIS POLLUTION CONTROL BOARD  
November 6, 1997

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 97-49  
) (Enforcement - Air)  
K&B WRECKING, LTD., an Illinois )  
corporation, )  
)  
Respondent. )

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

On September 5, 1996, the Illinois Attorney General, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, filed a two-count complaint against K&B Wrecking, Ltd. (K&B), an Illinois corporation located at 7801 West 60th Place, Summit, Cook County, Illinois. The complaint alleges that K&B violated Section 9.1(d) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/9.1(d) (1996)) and 40 CFR 61.145(b)(3) and (4) by failing to provide timely or complete notice prior to demolition of 22 facilities located in Cook County and Will County, Illinois.

Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1996)), an agreed motion was filed on September 22, 1997, requesting relief from the Act's hearing requirement. The Board published a notice of the requested relief on September 25, 1997. The Board has received no objection to granting the relief from the Act's hearing requirement. The relief is hereby granted.

A Stipulation and Proposal for Settlement (Settlement Agreement) was filed on September 22, 1997. The Settlement Agreement sets forth facts relating to the nature of and operations and circumstances surrounding the claimed violations. K&B admits the alleged violations and agrees to pay a total civil penalty of \$10,000. The Board finds the Settlement Agreement acceptable under 35 Ill. Adm. Code 103.180.<sup>1</sup>

The Settlement Agreement in no way affects K&B'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.

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<sup>1</sup> The parties should note that paragraph 2 of the Board's order provides an updated address for the Illinois Environmental Protection Agency to be used in lieu of the address set forth in Section VII, paragraph 2 of the Settlement Agreement.

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 Proposal for Settlement (Settlement Agreement) executed by the People of the State of Illinois and K&B Wrecking, Ltd. (K&B), an Illinois corporation located at 7801 West 60th Place, Summit, Cook County, Illinois. The Settlement Agreement is incorporated by reference as though fully set forth herein.
2. K&B must pay a total civil penalty of \$10,000 within 30 days of the date of this order. Such payment must be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Illinois Environmental Protection Trust Fund, and must be sent by First Class mail to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
Springfield, Illinois 62702

The certified check or money order must clearly indicate on its face the case name and number, along with K&B's Federal Employer Identification Number (363376204). A copy of the payment transmittal and certified check or money order must be sent simultaneously by First Class mail to:

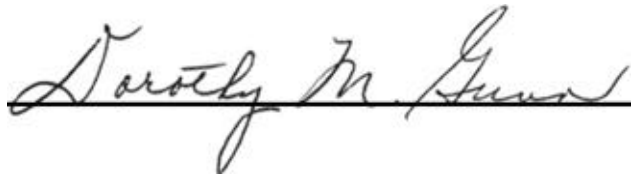
Genevieve M. Watts  
Assistant Attorney General  
Environmental Bureau  
100 W. Randolph St., 11th Floor  
Chicago, Illinois 60601

3. Any such penalty not paid within the time prescribed will accrue interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act (35 ILCS 5/1003(a) (1994)), as now or hereafter amended, from the date payment is due until the date payment is received. If the time for payment is stayed during the pendency of an appeal, interest will not accrue during such stay.
4. K&B must cease and desist from the admitted 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 145 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 6th day of November 1997, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board