## ILLINOIS POLLUTION CONTROL BOARD March 4, 2004

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
v.	)	PCB 04-4 (Enforcement - Air)
BEST-WAY CONSTRUCTION & REMEDIATION, INC., an Illinois	)	(Emoreement 7th)
corporation; and CLINTON 6 L.L.C., an Illinois limited liability company,	)	
Respondents.	)	
1	,	

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

On July 7, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Best-Way Construction & Remediation, Inc. (Best-Way), and Clinton 6 L.L.C. (Clinton 6) (collectively, respondents). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that respondents violated Sections 9(a), 9.1(d)(1) of the Environmental Protection Act (Act), Section 201.141 of the Board's air pollution regulations, and 40 C.F.R. 61.145(b), (c)(3), (c)(6), and 61.150(b) of the national emissions standards for hazardous air pollutants (NESHAP) for asbestos. 415 ILCS 5/9(a), 9.1(d)(1) (2002); 35 Ill. Adm. Code 201.141; 40 C.F.R. 60.145(b), (c)(3), (c)(6) and 61.150(b). The People further allege that respondents violated these provisions as a result of asbestos abatement activities at a building located at 612 South Clinton Street, Chicago, Cook County. Clinton 6 owned the facility and Best-Way performed the asbestos abatement activities.

On February 17, 2004, the People and both respondents filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). See 35 III. Adm. Code 103.300(a). Under the proposed stipulation, the respondents neither admit nor deny the alleged violations and agree to pay a civil penalty of \$11,000.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. 415 ILCS 5/31(c)(2) (2002); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 4, 2004, by a vote of 5-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board