

ILLINOIS POLLUTION CONTROL BOARD
May 7, 1998

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 97-52
) (Enforcement - Air)
MUTUAL ASBESTOS CONTROL)
CONTRACTORS, INC., an Illinois)
corporation,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by J. Theodore Meyer):

This matter comes before the Board upon a two-count complaint filed on September 13, 1996, by the Attorney General of the State of Illinois, on behalf of the People of the State of Illinois, against Mutual Asbestos Control Contractors, Inc. (respondent), an Illinois corporation, located at 1722 West Grand Avenue, Chicago, Cook County, Illinois concerning asbestos demolition and renovation activity performed at various sites in Cook and DuPage Counties. The complaint alleges that respondent violated Section 9.1(d)(1) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(d)(1) (1996)) and 40 CFR 61.145(b) by failing to provide timely and sufficient notification of asbestos demolition or renovation activity.¹

On March 25, 1998, the parties filed a stipulation, settlement agreement, and a joint motion requesting relief from the requirement of Section 31(c)(2) of the Act that proposed stipulation and settlement agreements be presented at hearing. 415 ILCS 5/31(c)(2) (1996). The Board published a notices of the waiver on March 30th and 31st, 1998. No objection to the granting of the waiver was received. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation sets forth facts relating to the nature, operations, and circumstances surrounding the claimed violations. Respondent neither admits nor denies the alleged violations and agrees to pay a total civil penalty of \$6,000.

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180 of the Board's regulations. This settlement agreement in no way affects respondent's

¹ While the Board does not generally enforce the provisions of the Code of Federal Regulations, Section 9.1(d)(1) of the Act authorizes enforcement of Sections 111, 112, 165, and 173 of the Clean Air Act and the regulations adopted pursuant thereto.

responsibility 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 finding 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 Mutual Asbestos Control Contractors, Inc. (respondent), an Illinois corporation, located at 1722 West Grand Avenue, Chicago, Cook County, Illinois concerning asbestos demolition and renovation activity performed at various sites in Cook and DuPage Counties. The stipulation and settlement agreement are incorporated by reference as though fully set forth herein.
2. Respondent shall pay the sum of total sum of \$6,000 concluding no later than April 7, 1999. Payment shall be made pursuant to the following schedule:
 - a. \$2,000 within thirty (30) days from the date of this final Board order approving the parties' stipulation and proposal for settlement; and
 - b. Thereafter a payment of \$2,000 shall be due every five months after the due date of the previous payment.

Such payment shall 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 shall be sent by First Class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 N. Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

The certified check or money order shall clearly indicate on its face respondent's federal employer identification number 36-3376204, and that payment is directed to the Environmental Protection Trust Fund. A copy of the payment transmittal and the certified check or money order shall be

simultaneously sent by First Class mail to:

Genevieve M. Watts
Assistant Attorney General
Environmental Bureau
Attorney General's Office
100 West Randolph Street, 11th Floor
Chicago, IL 60601

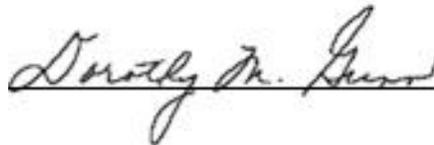
Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003 (1996)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

3. 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 May 1998 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board