

ILLINOIS POLLUTION CONTROL BOARD
November 4, 2004

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 05-75
) (Enforcement - Air)
DENNIS ELAHI d/b/a PARAMOUNT)
MANAGEMENT AND CONSTRUCTION)
COMPANY,)
)
Respondent.)

ORDER OF THE BOARD (by J.P. Novak):

On October 22, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Dennis Elahi. *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that Dennis Elahi violated Section 9(a), 9.1(d) of the Environmental Protection Act (Act)(415 ILCS 5/9(a), 9.1(d) (2002)); 35 Ill. Adm. Code 201.141; and 40 C.F.R. 61.104(b); 61.145(a), (c)(1), (c)(2), (c)(6), and (c)(8); and 61.150(b). The People further allege that Dennis Elahi violated these provisions by (1) engaging in renovation work that caused, allowed, or threatened air pollution by the discharge of asbestos; (2) failing to conduct a thorough inspection of the facility for the presence and amount of asbestos and failing to provide a written notice to the Illinois Environmental Protection Agency of renovation involving more than one cubic meter of asbestos before commencing renovation activities; (3) failing to adequately wet and maintain as wet all regulated asbestos-containing material until collected and contained for treated for disposal; (4) failing to properly handle and store asbestos-containing waste material by wetting it, failing to place it in leak-tight containers, failing to provide legible and visible warning labels, failing to label the containers with the source and location where it was generated, and failing to dispose of asbestos-containing waste as soon as practical at a compliant disposal facility. The complaint concerns Dennis Elahi's eight-unit apartment complex at 5636 South Prairie Avenue, Chicago, Cook County.

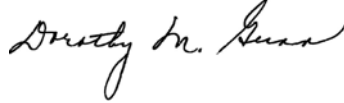
On October 22, 2004, the People and Dennis Elahi also filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Dennis Elahi neither admits nor denies the alleged violations but agrees to pay a civil penalty of \$30,000.

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) (2000); 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 November 4, 2004, by a vote of 5-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board