ILLINOIS POLLUTION CONTROL BOARD January 6, 2005

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

On November 3, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Ralph Stone. *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The complaint concerns Ralph Stone's demolition of the closed Gorham High School facility at the corner of Washington and Walnut Streets, Gorham, Jackson County.

The People allege that Ralph Stone violated Section 9.1(d)(1) of the Environmental Protection Act (Act)(415 ILCS 5/9.1(d)(1) (2002)) and 40 C.F.R. 61.145(a), (b)(1), and (c)(9) and 61.150(b). The People further allege that Ralph Stone violated these provisions by (1) failing to conduct a thorough inspection for asbestos prior to beginning demolition; (2) failing to provide written notice of demolition to the Agency prior to beginning demolition; and (3) failing to use proper work practices, including not having a trained a person trained in asbestos removal and failing to properly wet asbestos-containing materials (ACMs) during removal, thereby allowing emission of asbestos fibers.

The parties now seek to settle the case. On December 23, 2004, the People and Ralph Stone 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, the Ralph Stone neither admits nor denies the alleged violations but agrees to pay a civil penalty of \$500.

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 January 6, 2005, by a vote of 5-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board