## ILLINOIS POLLUTION CONTROL BOARD May 5, 2005

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
v.	)	PCB 04-100 (Enforcement - Air)
ROBERTS ENVIRONMENTAL CONTROL,	)	(Emorcement - An)
INC., an Illinois corporation,	)	
Respondent.	)	

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

On December 22, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Marc Realty, Inc., 11 East Adams, L.L.C., and Roberts Environmental Control, Inc. (collectively, the respondents). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that the respondents violated Sections 9(a) and 9.1(d) of the Environmental Protection Act (Act) (415 ILCS 5/9(a) and 9.1(d) (2002)); 35 Ill. Adm. Code 201.141; and 40 C.F.R. 61.145(a), (b), (c)(1), (c)(6), and (c)(8), as enforceable under Section 9.1(d) of the Act (415 ILCS 5/9.1(d) (2002)). The People further allege that the respondents violated these provisions by failing to comply with standards applicable to removal of asbestos-containing materials and the emission of asbestos during the course of building renovations. The complaint concerns the 16 floor office building at 11 East Adams Street, Chicago, Cook County.

On May 25, 2004, the People and Marc Realty, Inc. and 11 East Adams, L.L.C. 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)). By an opinion and order dated July 22, 2004, the Board accepted that stipulation and proposed settlement and entered an order against Marc Realty, Inc. and 11 East Adams, L.L.C.

On April 29, 2005, the People and the remaining respondent, Roberts Environmental Control, Inc. (Roberts Environmental Control), 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 Roberts Environmental Control neither admits nor denies the alleged violations but agrees to pay a civil penalty of \$7,500.

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) (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 May 5, 2005, by a vote of 5-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board