

ILLINOIS POLLUTION CONTROL BOARD
June 16, 2005

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 04-162
)	(Enforcement – Air)
ASBESTOS CONTROL AND)	
ENVIRONMENTAL SERVICES CORP., an)	
Illinois corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by T.E. Johnson):

On March 17, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Asbestos Control and Environmental Services Corp., an Illinois corporation (ACES). ACES is engaged in the removal and disposal of regulated asbestos-containing material (RACM). Its principle place of business is P.O. Box 945, Wheaton. The complaint concerns the demolition and renovation of a property located at 816 West 47th Place, Chicago, Cook County. The Board accepted the complaint for hearing on April 1, 2004.

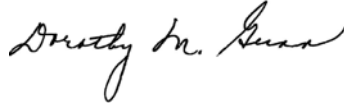
The People allege that ACES violated Sections 9(a) and 9.1(d)(1) of the Environmental Protection Act (Act) (415 ILCS 9(a) and 9.1(d)(1) (2002)); 35 Ill. Adm. Code 201.141; and 40 C.F.R. 61.145(c)(3) and (6), and 61.150(a) by failing to wet all asbestos and allowing dry, friable asbestos to remain in a friable state, by failing to adequately wet all RACM in place before stripping it from facility components and by failing to adequately seal all asbestos containing material in a leak tight container at the demolition property in Cook County.

On June 10, 2005, the People and ACES 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). These filings are authorized by Section 31(c)(2) of the Act. 415 ILCS 5/31(c)(2) (2002); 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, ACES neither admits nor denies the violations alleged in the complaint, but agrees to pay a civil penalty of \$20,000.

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 June 16, 2005, by a vote of 5-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board