

ILLINOIS POLLUTION CONTROL BOARD

November 3, 2005

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 05-99
)	(Enforcement – Air)
JAMES ZELLER, THOMAS ZELLER, and)	
MATTHEW SHORT,)	
)	
Respondents.)	

ORDER OF THE BOARD (by N.J. Melas):

On November 29, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against James Zeller, Thomas Zeller, and Matthew Short (respondents). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. Under the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.* (2004)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2004); 35 Ill. Adm. Code 103.

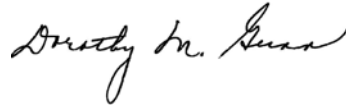
In this case, the People allege that the respondents violated Section 9.1(d) and (d)(1) of the Act (415 ILCS 5/9.1(d) and (d)(1) (2004)) and 40 C.F.R. 61.145(b)(2) and (c)(1) by: (1) violating the national emission standard for hazardous air pollutants for asbestos; and (2) failing to adhere to required work practices during demolition of a building that contained regulated asbestos-containing materials. The complaint concerns the respondents' demolition of a building at 408 South Court Street, in Marion, Williamson County.

On November 1, 2005, the People and all three respondents 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) (2004). These filings are authorized by Section 31(c)(2) of the Act. 415 ILCS 5/31(c)(2) (2004). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, the respondents admit the violations alleged in the complaint, and agree 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) (2004); 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 3, 2005, by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board