## ILLINOIS POLLUTION CONTROL BOARD August 4, 2006

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
-	)	DCD 02 70
V.	)	PCB 02-79 (Enforcement – Air)
WALTER DEEMIE d/b/a RIVER CITY	)	(
DEMOLITION,	)	
Respondent.	)	

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

On December 14, 2001, the People of the State of Illinois (People) filed an air pollution complaint against Walter Deemie d/b/a/ River City Demolition (Deemie). The complaint concerns Deemie's contract with the Capitol Development Board to perform demolition activities within a Central Management System power plant located at 1920 10-1/2 Street, Springfield, Sangamon County.

In the complaint, the People allege that Deemie violated Section 9(a) and 9.1(d) of the Environmental Protection Act (Act) (415 ILCS 5/9(a) and 9.1 (d) (2004)); 40 C.F.R. 61.145 (c)(3) and (c)(6) and 61.150(a)(1); and 35 III. Adm. Code 201.141. The People further allege that Deemie violated these provisions by causing, threatening, or allowing the emission of dry friable asbestos into the environment so as to cause air pollution. The Board accepted the case for hearing on December 20, 2001.

On July 25, 2006, the People and Deemie 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, Deemie admits the violations alleged in the complaint, and agrees to pay a civil penalty of \$8,000.

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) (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 August 4, 2006, by a vote of 4-0.

Dorothy M. Gunn, Clerk

Dorothy M. Gunn, Clerk Illinois Pollution Control Board