

ILLINOIS POLLUTION CONTROL BOARD

September 7, 2006

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 06-27
)	(Enforcement - Air)
JOEL HILLMAN,)	
)	
Respondent.)	

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

On August 24, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Joel Hillman (Hillman) (415 ILCS 5/31(c)(1) (2004)); 35 Ill. Adm. Code 103.204. The complaint concerns Hillman's renovation of two commercial office buildings at 133-135 Park Avenue, Barrington, Lake County. The Board accepted the complaint for hearing on September 1, 2005.

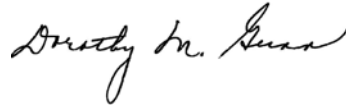
In the complaint, the People allege that Hillman violated Section 9(a) and 9.1(d) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/9(a) and 9.1(d) (2004)); 35 Ill. Adm. Code 201.141; and 40 C.F.R. 61.145(b), (c)(1), and (c)(6) and 61.150(b). The People further allege that Hillman violated these provisions by (1) causing, threatening, or allowing air pollution; (2) failing to following proper notification requirements for removal of asbestos-containing material; (3) failing to follow proper asbestos emission control procedures; and (4) improper disposal of asbestos-containing materials.

On August 31, 2006, the People and Hillman filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act. *See* 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, Hillman admits the violations alleged in the complaint, and agrees to pay a civil penalty of \$40,000.

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 September 7, 2006, by a vote of 4-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board