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OCT 21 2008

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

STATE OF ILLINOIS
Pollution Control Board

Lisa Madigan
ATTORNEY GENERAL

October 17, 2008

John T. Therriault, Assistant Clerk
Assistant Clerk of the Board
Illinois Pollution Control Board
James R. Thompson Center, Ste. 11-500
100 West Randolph
Chicago, Illinois 60601

PCB09-26

Re: ***People v. Triple A Asbestos Service, Inc.***

Dear Clerk:

Enclosed for filing please find the original and one copy of a Notice of Filing, Complaint, Motion for Relief from Hearing Requirement and Stipulation and Proposal for Settlement in regard to the above-captioned matter. Please file the originals and return file-stamped copies to me in the enclosed envelope.

Thank you for your cooperation and consideration.

Very truly yours,

Stephen Janasie
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

SJ/pjk
Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.)
)
TRIPLE A ASBESTOS SERVICE, INC.,)
an Illinois municipal corporation,)
)
Respondent.)

PCB No. 09-26
(Water-Enforcement)

NOTICE OF FILING

RECEIVED
CLERK'S OFFICE

OCT 21 2008

STATE OF ILLINOIS
Pollution Control Board

To: Triple A Asbestos Service, Inc.
c/o James O. Beavers, R.A.
221 West Main Cross
P.O. Box 320
Taylorville, IL 62568

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, a COMPLAINT, MOTION FOR RELIEF FROM HEARING REQUIREMENT and STIPULATION AND PROPOSAL FOR SETTLEMENT, copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: _____


STEPHEN JANASIE
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: October 17, 2008


CERTIFICATE OF SERVICE

I hereby certify that I did on October 17, 2008, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled NOTICE OF FILING, COMPLAINT, MOTION FOR RELIEF FROM HEARING REQUIREMENT and STIPULATION AND PROPOSAL FOR SETTLEMENT:

To: Triple A Asbestos Service, Inc.
c/o James O. Beavers, R.A.
221 West Main Cross
P.O. Box 320
Taylorville, IL 62568

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601



STEPHEN JANASIE
Assistant Attorney General

This filing is submitted on recycled paper.

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.)
)
TRIPLE A ASBESTOS SERVICE, INC.,)
an Illinois corporation,)
)
Respondents.)

PCB No. 09-26
(Enforcement)
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STATE OF ILLINOIS
Pollution Control Board

MOTION FOR RELIEF FROM HEARING REQUIREMENT

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(c)(2) (2006), moves that the Illinois Pollution Control Board grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2006). In support of this motion, Complainant states as follows:

1. The parties have reached agreement on all outstanding issues in this matter.
2. This agreement is presented to the Board in a Stipulation and Proposal for Settlement, filed contemporaneously with this motion.
3. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not necessary, and respectfully request relief from such a hearing as allowed by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2006).


WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2006).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
LISA MADIGAN
ATTORNEY GENERAL

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: _____


STEPHEN J. JANASIE
Environmental Bureau
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: October 17, 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.)
)
TRIPLE A ASBESTOS SERVICE, INC.,)
an Illinois corporation,)
)
Respondent.)

PCB No. 09- 26
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COMPLAINT STATE OF ILLINOIS
Pollution Control Board

The PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion, complains of the Respondent, TRIPLE A ASBESTOS, INC., as follows:

COUNT I
VIOLATIONS OF THE NATIONAL EMISSIONS STANDARDS FOR ASBESTOS

1. This count is brought on behalf of the People of the State of Illinois, by Lisa Madigan, the Attorney General of the State of Illinois, on her own motion and at the request of the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2006).

2. The Illinois Environmental Protection Agency ("Illinois EPA") is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2006), and charged, *inter alia*, with the duty of investigating and enforcing violations of the Act.

3. TRIPLE A ASBESTOS SERVICE, INC. ("Triple A"), is an Illinois corporation in good standing. The registered agent is James O. Beavers, 221 West Main Cross, P.O. Box 320, Taylorville, Illinois 62568.

4. The Diocese of Springfield in Illinois owns St. Mary's Church and Parish ("the site"), located at 1621 Tenth St, Madison, Madison County, Illinois. General Waste was hired to

conduct an asbestos abatement project at the site.

5. On September 21, 2005, the Illinois EPA, Bureau of Air, Field Operations Section conducted a routine compliance inspection of the site pursuant to an asbestos National Emissions Standards for Hazardous Air Pollutants ("NESHAP") notification. On this date, Triple A employees were removing approximately 2,092 square feet of the 3,776 square feet of regulated asbestos-containing material ("RACM") listed in the asbestos NESHAP notification.

6. On September 21, 2005, the Illinois EPA inspector observed suspect material on the floor of two confessional rooms and one bereavement room. The inspector obtained a sample from each of these rooms that revealed asbestos in the range of thirty to thirty-five percent.

7. On September 21, 2005, the inspector observed breaches in the containment of RACM in the two confessional rooms and the bereavement room. Each room lacked negative air pressure machines. In the first confessional, the plastic containment barriers were torn down and lying on the floor. In the second confessional and the bereavement room, a plastic barrier was up over each door, but the barriers were hanging loose and unsecured.

8. On September 21, 2005, the inspector also observed a Triple A employee removing suspect material from the ceiling of the site's rectory. At the time of the inspection, the Triple A employees were not utilizing water to wet the suspect material being removed. The suspect material was being scraped from the ceiling and dropped to the floor. The floor was mostly covered with suspect material. There were also approximately 55 bags containing suspect material in the rectory. The inspector sampled suspect material from the bags. The sample tested positive for twenty-five percent asbestos.

9. Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2006), provides as follows:

* * *

(d) No person shall:

(1) violate any provisions of Sections 111, 112, 165 or 173 of the Clean Air Act, as now or hereafter amended, or federal regulations adopted pursuant thereto;

* * *

10. The regulations on National Emission Standards for Hazardous Air Pollutants ("NESHAP") for asbestos, 40 CFR Part 61, Subpart M, were adopted pursuant to Section 112 of the Clean Air Act, 42 USC §7412. Asbestos is regulated as a hazardous air pollutant because it is a carcinogen. RACM contains more than one percent asbestos and is generally "friable," which means such materials, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure.

11. 40 CFR §61.141 provides the following pertinent definitions:

Adequately wet means sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible emissions are observed coming from asbestos-containing material, then that material has not been adequately wetted. However, the absence of visible emissions is not sufficient evidence of being adequately wet.

Asbestos-containing waste materials means mill tailings or any waste that contains commercial asbestos and is generated by a source subject to the provisions of this subpart. . . . As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing.

Facility means any institutional, commercial, public, industrial, or residential structure, installation, or building. . . .

Friable asbestos material means any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763 section 1, Polarized Light Microscopy, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.

Owner or operator of a demolition or renovation activity means any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both.

Regulated asbestos-containing material (RACM) means (a) Friable asbestos material, (b) Category I nonfriable ACM that has become friable, (c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or (d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this subpart.

Remove means to take out RACM or facility components that contain or are covered with RACM from any facility.

* * *

12. 40 CFR §61.145 provides in pertinent part as follows:

Standard for demolition and renovation.

(a) *Applicability.* To determine which requirements of paragraphs (a), (b), and © of this section apply to the owner or operator of a demolition or renovation activity and prior to the commencement of the demolition or renovation, thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable ACM. The requirements of paragraphs (b) and (c) of this section apply to each owner or operator of a demolition or renovation activity, including the removal of RACM as follows:

* * *

(4) In a facility being renovated . . . all the requirements of paragraphs (b) and (c) of this section apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is

(i) At least 80 linear meters (260 linear feet) on pipes or at least 15 square meters (160 square feet) on other facility components, or

(ii) At least 1 cubic meter (35 cubic feet) off facility components where the length or area could not be measured previously.

* * *

(c) *Procedures for asbestos emission control.* Each owner or operator of a demolition or renovation activity to whom this paragraph applies, according to paragraph (a) of this section, shall comply with the following procedures:

* * *

(3) When RACM is stripped from a facility component while it remains in place in the facility, adequately wet the RACM during the stripping

operation.

(I) In renovation operations, wetting is not required if:

(A) The owner or operator has obtained prior written approval from the Administrator based on a written application that wetting comply with this paragraph would unavoidably damage equipment or present a safety hazard; and

(B) The owner or operator uses of the following emission control methods:

(1) A local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by the stripping and removal of the asbestos materials. The system must exhibit no visible emissions to the outside air or be designed and operated in accordance with the requirements in § 61.152.

* * *

(6) For all RACM, including material that has been removed or stripped:

(i) Adequately wet the material and ensure that it remains wet until collected and contained or treated in preparation for disposal in accordance with §61.150; and
(ii) Carefully lower the material to the ground and floor, not dropping, throwing, sliding, or otherwise damaging or disturbing the material.

* * *

13. Section 9(a) of the Act, 415 ILCS 5/9(a) (2006), provides as follows:

No person shall:

a. Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act;

* * *

14. Section 201.141 of the Illinois Pollution Control Board's regulations, 35 Ill. Adm.

Code 201.141, provides as follows:

Prohibition of Air Pollution

No person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as, either alone or in combination with contaminants from other sources, to cause or tend to cause air pollution in Illinois, or so as to violate the provisions of this Chapter, or so as to prevent the attainment or maintenance of any applicable ambient air quality standard.

* * *

15. The church located at 1621 Tenth St in Madison is a "facility" and the Respondent is an "operator" of a "renovation" as these terms are defined at 40 CFR 61.141.

16. During the September 21, 2005 inspection, large amounts of asbestos-containing waste materials were scattered on the floor of the site in various locations on the site.

17. During the September 21, 2005 inspection, the two confessional rooms and one bereavement room contained RACM and did not possess adequate containment measures to prevent the possibility of RACM leaving those areas.

18. The Respondent failed to adequately wet and keep wet all RACM removed during renovation operations until such asbestos-containing waste materials were collected and contained in leak-tight wrapping in preparation for disposal, and thereby violated Section 9.1(d) of the Act, 415 ILCS 9.1(d)(1)(2006), 40 CFR 61.145(c)(3) and 40 CFR 61.145(c)(6)(I).

19. The Respondent failed to maintain adequate containment of RACM, threatening the release of asbestos fibers into the environment, and thereby violated Section 9(a) of the Act, 415 ILCS 9(a)(2006) and Section 201.141 of the Illinois Pollution Control Board's regulations, 35 Ill. Adm. Code 201.141.

PRAYER FOR RELIEF

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that this Board enter an Order against the Respondent:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that the Respondent has violated the Act and regulations as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2004), impose a civil penalty of not more than the statutory maximum; and
- E. Grant such other and further relief as the Board deems appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
LISA MADIGAN,
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: _____
THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel:
Stephen J. Janasie
Assistant Attorney General
500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: October 17, 2008

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD
MADISON COUNTY, ILLINOIS

RECEIVED
CLERK'S OFFICE
OCT 21 2008
STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF)
ILLINOIS,)
)
 Complainant,)
)
 vs.)
)
 TRIPLE A ASBESTOS SERVICE,)
 INC., an Illinois corporation,)
)
 Respondent.)

PCB No. 08- 26

STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency ("Illinois EPA"), and TRIPLE A ASBESTOS SERVICE, INC. ("Respondent"), have agreed to the making of this Stipulation and Proposal for Settlement ("Stipulation") and submit it to the Illinois Pollution Control Board ("Board") for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board's approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/1 *et seq.* (2006), and the Board's Regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the parties to this Stipulation that it be a final adjudication of this matter.

I. STATEMENT OF FACTS

A. Parties to the Stipulation

1. In conjunction with this Stipulation and Proposal for Settlement, a Complaint was filed on behalf of the People of the State of Illinois by Lisa Madigan, Attorney General of the

State of Illinois, on her own motion and upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2006), against the Respondent.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2006).

3. At all times relevant to the Complaint, Respondent was and is an Illinois corporation in good standing.

4. At all times relevant to the Complaint, Respondent was hired to conduct an asbestos abatement project at St. Mary's Church and Parish ("site"), 1621 Tenth St, Madison, Madison County, Illinois. The Diocese of Springfield in Illinois owns the site.

5. On September 21, 2005, the Illinois EPA, Bureau of Air, Field Operations Section conducted a routine compliance inspection of the site pursuant to an asbestos National Emissions Standards for Hazardous Air Pollutants ("NESHAP") notification. On this date, Triple A employees were removing approximately 2,092 square feet of the 3,776 square feet of regulated asbestos-containing material ("RACM") listed in the asbestos NESHAP notification.

6. On September 21, 2005, the Illinois EPA inspector observed suspected asbestos-containing material on the floor of two confessional rooms and one bereavement room. The inspector obtained a sample of material from each of these rooms that revealed an asbestos content in the range of thirty to thirty-five percent.

7. On September 21, 2005, the inspector observed breaches in the containment of RACM in the two confessional rooms and the bereavement room. Each room lacked negative air pressure machines. In the first confessional, the plastic containment barriers were torn down and lying on the floor. In the second confessional and the bereavement room, a plastic barrier was up over each door, but the barriers were hanging loose and unsecured.

8. On September 21, 2005, the inspector also observed a Triple A employee

removing suspect material from the ceiling of the site's rectory. At the time of the inspection, the Triple A employees were not utilizing water to wet the suspect material being removed. The suspect material was being scraped from the ceiling and dropped to the floor. The floor was mostly covered with suspect material. There were also approximately 55 bags containing suspect material in the rectory. The inspector sampled suspect material from the bags. The sample tested positive for twenty-five percent asbestos.

B. Allegations of Non-Compliance

Complainant and the Illinois EPA contend that the Respondent has violated the following provisions of the Act and Board regulations:

COUNT I: Section(s) 9(a) and 9.1(d) of the Act, 415 ILCS 5/9(a) and 9.1(d) (2006);

Section(s) 61.145(c)(3) and 61.145(c)(6)(I) of the National Emissions Standards for Hazardous Air Pollutants ("NESHAP") 40 CFR 61.145(c)(3) and 40 CFR 61.145(c)(6)(I);

Section 201.141 of the Illinois Pollution Control Board's regulations, 35 Ill. Adm. Code 201.141

Respondent failed to adequately wet and keep wet all RACM removed during renovation operations and failed to maintain adequate containment of RACM, threatening the release of asbestos fibers into the environment.

C. Non-Admission of Violations

The Respondent neither admits nor denies the violations alleged in the Complaint filed in this matter and referenced herein.

D. Compliance Activities to Date

The Respondent ensured that all RACM was adequately wet and kept wet and that adequate containment was maintained during the renovation operations shortly after the inspection on September 21, 2005.

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Complainant, the Illinois EPA and the Respondent, and any officer, director, agent, or employee of the Respondent, as well as any successors or assigns of the Respondent. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against the Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2006).

III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c)(2006), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the parties to this Stipulation state the following:

1. Human health and the environment were threatened by the Respondent's

violations during the asbestos removal.

2. There is social and economic benefit to the removal of asbestos-containing materials from a place of worship.
3. The asbestos removal at the site was suitable for the area in which it occurred.
4. Compliance with the Act, Board regulations, and NESHAP is both technically practicable and economically reasonable.
5. Respondent has subsequently complied with the Act and the Board Regulations.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h)(2006), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency; and
7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform.

In response to these factors, the parties to this Stipulation state as follows:

1. The threatened release of asbestos fibers into the environment is a serious threat to human health. The violations were observed on or around September 21, 2005 and were promptly resolved soon thereafter.

2. Respondent was diligent in resolving violations of the Act, Board regulations and applicable federal regulations, once the Illinois EPA notified it of its noncompliance.

3. The observed violations were of a limited duration and promptly responded to; as such, there was little economic benefit associated with Respondent's noncompliance.

4. Complainant and the Illinois EPA have determined, based upon the specific facts of this matter, that a penalty of Twenty Thousand Seven Hundred and Fifty (\$20,750.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

5. To Complainant's and the Illinois EPA's knowledge, Respondent has no previously adjudicated violations of the Act.

6. Self-disclosure is not at issue in this matter.

7. The settlement of this matter does not include a supplemental environmental project.

V. TERMS OF SETTLEMENT

A. Penalty Payment

1. The Respondent shall pay a civil penalty in the sum of Twenty Thousand Seven Hundred Fifty Dollars (\$20,750.00) within thirty (30) days from the date the Board adopts and accepts this Stipulation.

B. Interest and Default

1. If the Respondent fails to make any payment required by this Stipulation on or before the date upon which the payment is due, the Respondent shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Complainant shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by the Respondent not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

C. Payment Procedures

All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency
Fiscal Services
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

The name, case number and the Respondent's federal tax identification number shall appear on the face of the certified check or money order. A copy of the certified check or money order and any transmittal letter shall be sent to:

Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706

D. Future Compliance

1. In addition to any other authorities, the Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, shall have the right of entry into and upon all sites within the State of Illinois where Respondent is conducting activities regulated by the Act, Board regulations and/or the asbestos NESHAP, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, may take photographs, samples, and collect information, as they deem necessary.

2. This Stipulation in no way affects the responsibilities of the Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.

E. Release from Liability

In consideration of the Respondent's payment of the \$20,750.00 penalty, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for the violations of the Act and Board Regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint. The Complainant reserves, and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondent with respect to all other matters, including but not limited to, the following:

- a. criminal liability;
- b. liability for future violation of state, federal, local, and common laws and/or regulations;

- c. liability for natural resources damage arising out of the alleged violations; and
- d. liability or claims based on the Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois or the Illinois EPA may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315, or entity other than the Respondent.

F. Enforcement and Modification of Stipulation

Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

G. Execution of Stipulation

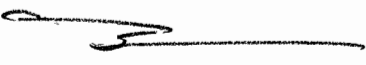
The undersigned representatives for each party to this Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

WHEREFORE, the parties to this Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN
Attorney General
State of Illinois

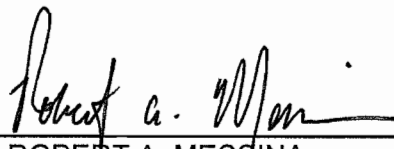
MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

BY: 
THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

DATE: 10/17/08


FOR THE ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

DOUGLAS P. SCOTT, Director
Illinois Environmental Protection Agency

BY: 
ROBERT A. MESSINA
Chief Legal Counsel

DATE: 10/2/08

TRIPLE A ASBESTOS

BY: 
Name: Judy Mustif
Title: President

DATE: 10-9-08