ILLINOIS POLLUTION CONTROL BOARD January 8, 2009

| PEOPLE OF THE STATE OF ILLINOIS, |) | |
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| Complainant, |) | |
| v. |) | PCB 07-131 (Enforcement - Air) |
| VITHALBHAI PATEL, |) | |
| Respondent. |) | |

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

On June 8, 2007, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Vithalbhai Patel (respondent). *See* 415 ILCS 5/31(c)(1) (2006); 35 Ill. Adm. Code 103.204. The complaint concerns renovation activities in 2003 and 2005 at respondent's Howard Johnson Express Inn located at 301 North Bluff Road, Collinsville, Madison County. The People and respondent now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2006)), 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 (2006); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Section 9.1(d) of the Act (415 ILCS 5/9.1(d) (2006), 40 C.F.R. 61.145(a), (b) (1), and (c)(6), and 40 C.F.R. 61.150(b)(1) by failing to: properly inspect the site for the presence of regulated asbestos-containing materials (RACM), to timely and properly notify the Agency of renovation activities, and to properly handle RACM.

On December 24, 2008, the People and respondent 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) (2006)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2006)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, respondent neither admits nor denies the alleged violations but agrees to pay a civil penalty of \$30,000.

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. See 415 ILCS 5/31(c)(2) (2006); 35 III. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 8, 2009, by a vote of 5-0.

John Therriault, Assistant Clerk Illinois Pollution Control Board