



damage or disturbance to the regulated ACM exposed during cutting or disjoining operations at the facility, failing to adequately wet and maintain wet all regulated ACM stripped from the components located at the facility, failing to ensure that the regulated ACM at the facility was wetted and remained wet until properly containerized for disposal, failing to have at least one representative trained in the provisions of the Asbestos National Emission Standards for Hazardous Air Pollutants regulations and compliance methods on-site during demolition activity at the facility, improperly disposing of the asbestos-containing waste material during demolition of the facility when the material was not adequately wet and sealed in leak-tight containers while wet, improperly disposing of the asbestos-containing waste material generated during the demolition of the facility, failing to label the containers of asbestos-containing waste removed during the demolition of the facility with the name of the waste generator and the location at which the waste was generated, and failing to transport to a waste disposal site as soon as practical all asbestos-containing waste material generated during the demolition of the facility (count I); and by causing, threatening or allowing the discharge or emission of asbestos into the environment by failing to adequately wet, contain and properly dispose of all ACM during demolition of the facility (count II).

On July 12, 2011, the People and Prairieland 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), 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). In an order dated July 21, 2011, the Board directed the Clerk of the Board to provide notice of the stipulation, proposed settlement and request for relief from the hearing requirement. The newspaper notice was published in the *Hancock County Journal-Pilot* on July 27, 2011. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2010); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. *See* 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent and causes of the alleged violations and the nature of Prairieland's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2010)), which bears on the reasonableness of the circumstances surrounding the alleged violations. Prairieland does not admit the alleged violations. The stipulation also addresses the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2010)), which may mitigate or aggravate the civil penalty amount. Prairieland agrees to pay a civil penalty of \$50,000. The People and Prairieland have satisfied Section 103.302. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

### **ORDER**

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.

2. Prairieland Investment Group, LLC (Prairieland) must pay a civil penalty of \$50,000 in installments: \$25,000 by Monday, October 8, 2011, which is the first business day following the 30th day after the date of this order; \$12,500 by Tuesday, March 6, 2012, which is the 180th day following the date of this order; and \$12,500 by Monday, September 3, 2012, which is the first business day following the 360th day from the date of this order. Prairieland must pay the civil penalty by certified check or money order, payable to the Illinois Environmental Protection Agency for deposit into the Environmental Protection Trust Fund. The case name, case number and Prairieland's federal tax identification number must appear on the face of the certified check or money order.
3. Prairieland must submit payment of the civil penalty to:

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

Prairieland must send a copy of each certified check or money order and any transmittal letter to:

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

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2010)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2010)).
5. Prairieland must cease and desist from future violations of the NESHAP for asbestos, the Act and the Board's regulations that were the subject matter of the Complaint

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2010); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final

orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on September 8, 2011, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish at the end.

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John Therriault, Assistant Clerk  
Illinois Pollution Control Board