## ILLINOIS POLLUTION CONTROL BOARD November 3, 2011

PEOPLE OF THE STATE OF ILLINOIS,	)	
Complainant,	)	
V.	)	PCB 11-21 (Enforcement – Water)
PRAIRIELAND INVESTMENT GROUP,	)	(Emorcement – water)
LLC, an Illinois limited liability company, and	)	
KEVIN S. COOK, d/b/a K.C. Construction,	)	
Respondents.	)	
respondents.	,	

ORDER OF THE BOARD (by J.A. Burke):

On November 9, 2010, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Prairieland Investment Group, LLC (Prairieland) and Kevin S. Cook, d/b/a KC Construction (Cook). The complaint concerns demolition work at a former Robert Morris College property located in the northeastern portion of the City of Carthage, Hancock County. The People and Cook now seek to settle without a hearing. Prairieland is not a party to this stipulation. 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 (2010)), the Attorney General may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that Cook violated: 415 ILCS 5/9.1(d)(1), 40 CFR 61.145(b)(1), 40 CFR 61.145(c)(1), 40 CFR 61.145(c)(2)(i) and (ii), 40 CFR 61.145(c)(3), 40 CFR 61.145(c)(6)(i), 40 CFR 61.145(c)(8), 40 CFR 61.150(a)(1)(iii), 40 CFR 61.150(a)(1)(iv), 40 CFR 61.150(a)(1)(v), and 40 CFR 61.150(b) (Count III); and 415 ILCS 5/9(a) and 35 III. Adm. Code 201.141 (Count IV). Cook violated these provisions by: failing to provide written notice to the Illinois Environmental Protection Agency prior to the commencement of demolition activity, failing to remove all regulated asbestos-containing material (RACM) prior to the commencement of demolition activity, failing to adequately wet all RACM and to prevent damage or disturbance to the RACM exposed during cutting or disjoining operations, failing to adequately wet and maintain all RACM stripped from components, failing to ensure that the RACM was wetted and remained wetted until properly containerized for disposal, failing to have on-site during demolition activities at least one representative trained in the provisions of the National Emission Standards

<sup>&</sup>lt;sup>1</sup> The Board previously accepted a stipulated settlement between the People and Prairieland. *See* People v. Prairieland Investment Group, LLC. and Kevin S. Cook, d/b/a KC Construction, PCB 11-21 (Sept. 8, 2011).

for Hazardous Air Pollutants (NESHAP)<sup>2</sup> asbestos regulations and compliance methods, improperly disposing of the asbestos-containing waste material during the demolition through a failure to adequately wet and seal the material in leak-tight containers while wet, improperly disposing of the asbestos-containing material during the demolition through a failure to place the material in appropriate containers properly labeled, failing to label the containers of asbestos-containing waste removed during the demolition, failing to transport to a waste disposal site as soon as practical all asbestos-containing waste material generated during the demolition (Count III); and causing, threatening or allowing the discharge or emission of asbestos into the environment by failing to adequately wet, contain and properly dispose of all asbestos-containing material during the demolition (Count IV).

On October 20, 2011, the People and Cook 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). Under the proposed stipulation, Cook admits to the alleged violations 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 request for relief and hold a hearing. See 415 ILCS 5/31(c)(2) (2010); 35 Ill. 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 November 3, 2011, by a vote of 5-0.

John Therriault, Assistant Clerk

Illinois Pollution Control Board

<sup>&</sup>lt;sup>2</sup> Section 9(b) of the Act provides that federal NESHAP "are applicable to the state and enforceable under the Act." 415 ILCS 5/9(b) (2010).