ILLINOIS POLLUTION CONTROL BOARD February 2, 2012

(Enforcement - Air)	

ORDER OF THE BOARD (by T. A. Holbrook):

On November 29, 2011, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Charles Cowell. The complaint concerns Mr. Cowell's demolition work at five sites in Sparta, Randolph County: 200 West Broadway, 202 West Broadway, 206 West Broadway, 221 South St. Louis Street, and 205 West Jackson. The parties now seek to settle without a hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), 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 (2010); 35 Ill. Adm. Code 103. In this case, the People allege that Charles Cowell violated 40 C.F.R. §§ 61.145(b), 61.145(c)(1), 61.145(c)(8), and $61.150(b)^{1}$, and Section 9.1(d)(1) of the Act (415 ILCS 5/9.1(d)(1) (2010)) by failing to perform a thorough inspection for the presence of asbestos and to submit a notification of demotion to the Illinois Environmental Protection Agency ten working days prior to commencing demolition activities, and by failing to properly remove regulated asbestos-containing materials prior to demotion activities, and to deposit, as soon as practical, all asbestos-containing waste material generated during renovation and demolition activities at a site permitted to accept such waste.

On January 25, 2012, the People and Charles Cowell 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

¹ Although the Board generally does not have jurisdiction over federal Clean Air Act regulations, Section 9(b) of the Act provides that National Emissions Standards for Hazardous Air Pollutants (NESHAP) "are applicable to the state and enforceable under the Act." 415 ILCS 5/9(b) (2010). Pursuant to Section 112(b)(1) of the CAA, 42 U.S.C. 7412(b)(1) (2007), the Administrator of the U.S. Environmental Protection Agency lists asbestos as a hazardous air pollutant.

public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Charles Cowell admits the alleged violations and agrees to pay a civil penalty of \$30,000.00 within 30 days from the date the Board adopts and accepts the stipulation.

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) (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 T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on February 2, 2012, by a vote of 5-0.

John T. Thereiant

John T. Therriault, Assistant Clerk Illinois Pollution Control Board