



damage or disturbance to the RACM exposed during cutting or disjoining operations at the fertilizer storage building, by failing to adequately wet and contain all RACM during the removal of Category 1 asbestos-containing transite siding panels, by failing to adequately wet and maintain wet all RACM and regulated asbestos-containing waste material under collected and contained in preparation for disposal at a permitted site, by failing to have at least one representative trained in the provisions of the NESHAP for asbestos and compliance methods prescribed therein on-site during asbestos removal activities, by failing to adequately wet, keep wet, and containerize all regulated asbestos containing waste material, thereby causing or allowing the discharge of visible emissions to the outside air, by failing to transport all asbestos-containing waste materials generated during asbestos removal at the site to a waste disposal site as soon as practical, by failing to timely submit a notice and pay the 10-day Notice Fee. The Board finds that the complaint meets the applicable content requirements of the Board's procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On October 30, 2012, simultaneously with the People's complaint, the People and Two Rivers 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, Two Rivers does not affirmatively admit the alleged violations and agrees to pay a civil penalty of \$25,000.00.

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.

Member J. O'Leary Abstained

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 15, 2012 by a vote of 4-0.



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John T. Therriault, Assistant Clerk  
Illinois Pollution Control Board