

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB NO.
)	(Enforcement-Air)
BLICK'S CONSTRUCTION CO., INC.,)	
an Illinois Corporation, and)	
RON BRICKER,)	
)	
Respondents.)	

NOTICE OF ELECTRONIC FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on February 8, 2013, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, c/o John T. Therriault, Assistant Clerk, James R. Thompson Center, 100 W. Randolph St., Ste. 11-500, Chicago, IL 60601 a COMPLAINT and ENTRY OF APPEARANCE, copies of which are attached hereto and herewith served upon you. Failure to file an answer to this Complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in this Complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Clerk's Office or an attorney.

FURTHER, please take notice that financing may be available, through the Illinois Environmental Facilities Financing Act, 20 ILCS 3515/1 (2010), to correct the pollution alleged in the Complaint filed in this case.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

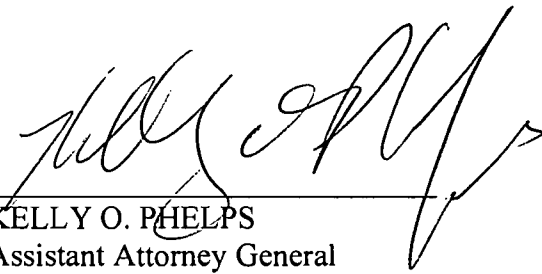
BY: 

KELLY O. PHELPS
Assistant Attorney General
Environmental Bureau

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: February 8, 2013

CERTIFICATE OF SERVICE

I hereby certify that I did on February 8, 2013, cause to be served by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the following instruments entitled NOTICE OF ELECTRONIC FILING, COMPLAINT and ENTRY OF APPEARANCE upon the persons listed on the Service List.


KELLY O. PHELPS
Assistant Attorney General

This filing is submitted on recycled paper.

SERVICE LIST

Blick's Construction Co., Inc.
an Illinois corporation
c/o Carl J. Blickhan, Sr.
P.O. Box 530
Lock & Dam Road
Quincy, IL 62301

Ron Bricker
1799 E. 1625th
Paloma, IL 62359

and

Ron Bricker
P.O. Box 64
Paloma, IL 62359

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)	
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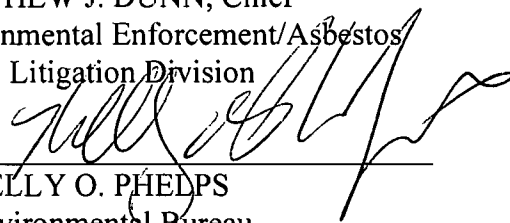
ENTRY OF APPEARANCE

On behalf of the Complainant, PEOPLE OF THE STATE OF ILLINOIS, KELLY O. PHELPS, Assistant Attorney General of the State of Illinois, hereby enters his appearance as attorney of record.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
LISA MADIGAN
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 
KELLY O. PHELPS
Environmental Bureau
Assistant Attorney General

500 South Second Street
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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BLICK'S CONSTRUCTION CO., INC.,)	
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Respondents.)	

COMPLAINT

The PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of the Respondents, BLICK'S CONSTRUCTION CO., INC. and RON BRICKER, as follows:

COUNT I
AIR POLLUTION

1. This Count is brought on behalf of the People of the State of Illinois, by LISA MADIGAN, the Attorney General of the State of Illinois, on her own motion and on behalf of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2010).

2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly under Section 4 of the Act, 415 ILCS 5/4 (2010), and is charged, *inter alia*, with the duty of enforcing the Act.

3. This Complaint is brought pursuant to Section 31 of the Act, 415 ILCS 5/31 (2010), by the Attorney General on her own motion and upon request of the Illinois EPA for

enforcement regarding Respondent Blick's Construction Co., Inc. ("BCC"). The Illinois EPA did not comply with notice requirements prescribed by Section 31 relative to Respondent, Ron Bricker, and violations alleged herein are upon the motion of the Attorney General.

4. BCC is an Illinois corporation registered with the Secretary of State and is in good standing. The company's business office is located at 112 West Lock and Dam Road, Quincy, Illinois 62305. The Company's registered agent is Carl J. Blickhan, Sr., located at P.O. Box 530 Lock & Dam Road, Quincy, Illinois 62301.

5. Respondent, Ron Bricker is an Illinois resident and all actions which are the subject of the Complaint took place in Illinois.

6. At all times relevant to the Complaint, BCC, controlled or supervised renovation and waste disposal operations at a former commercial banking building ("facility") located at 1201 Broadway, Quincy, Illinois which is the subject of this Complaint. In addition, Ron Bricker performed, controlled, or supervised renovation activities at the facility. The Respondents are owners or operators of a renovation activity as defined by Section 61.141 of the National Emission Standards for Hazardous Air Pollutants ("NESHAP") for asbestos, 40 CFR 61.141.

7. The structure is a commercial building defined as a "facility" by Section 61.141 of the NESHAP for asbestos, 40 CFR 61.141.

8. On information and belief, First Bankers Trust Company, N.A. ("FBTC") owns the facility.

9. On information and belief, prior to May 5, 2011, FBTC employed Mass Construction ("Mass"), as a general contractor, to supervise and control demolition operations at the facility.

10. On information and belief, prior to May 5, 2011, Mass employed BCC as a subcontractor to perform, control, and supervise demolition operations at the facility. John Blickham is the President of BCC.

11. On information and belief, prior to May 5, 2011, BCC employed Triple A Asbestos Services, Inc. ("Triple A") to remove asbestos-containing material ("ACM") including Regulated Asbestos Containing Material ("RACM") from the facility.

12. On May 5, 2011, the Illinois EPA received a Notification of Demolition and Renovation stating 385 square feet of RACM located in restrooms, stairways, and janitor's closet was to be removed by Triple A beginning on May 10, 2011. Upon completion of the RACM removal, BCC was to begin demolition on May 16, 2011. Demolition was to end on July 8, 2011.

13. On information and belief, spray-on asbestos-containing ceiling material and thermal insulation in excess of 160 square feet or 35 cubic feet was disturbed or removed by or under the supervision and control of Respondent Ron Bricker prior to June 7, 2011.

14. On information and belief, on at least two occasions prior to June 7, 2011, the President of BCC, John Blickhan, observed Ron Bricker removing items from within the facility, including ceiling tiles, in preparation for demolition of the facility.

15. On June 7, 2011, Triple A entered the facility and observed dry, friable, cut and broken regulated asbestos-containing waste material at numerous locations within the facility resulting from the removal of various building components. Triple A then informed the Illinois EPA of the improper asbestos removal activity.

16. On June 8, 2011, Illinois EPA Asbestos Unit inspector Alan Grimmett conducted an inspection of the facility. Most of the ceiling on the second floor of the facility was removed on a date or dates prior to June 7, 2011, and dry, friable, cut and broken regulated-asbestos-

containing ceiling material was deposited into the basement area through large openings cut in the second and first floors of the facility. Metal building components were removed from the facility and deposited outside the building. Dry, friable regulated-asbestos-containing thermal insulation was disturbed or removed, on a date or dates prior to June 7, 2011. Approximately 1,253 square feet of dry, friable asbestos-containing spray-on ceiling material, and an undetermined quantity of dry, friable asbestos-containing thermal insulation, was removed or disturbed within the facility. There was no evidence of a water source or water spraying devices within the facility utilized to wet the ceiling material and thermal insulation to control the emission of asbestos.

17. Four samples of dry, friable suspect material were collected from ceiling tiles within the facility and two samples from ceiling tiles outside the facility. On June 10, 2011, the Illinois EPA received from TEM incorporated test data resulting from analytical testing of each sample by polarized light microscopy.

18. Spray-on ceiling material located within and deposited outside the facility contained chrysolite asbestos equal to or in excess of 1%.

19. Section 3.165 of the Act, 415 ILCS 5/3.165 (2010), defines contaminant as follows:

“Contaminant” is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

20. Section 3.115 of the Act, 415 ILCS 5/3.115 (2010) defines air pollution as follows:

“Air pollution” is the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

21. Section 7412(b)(1) of the Clean Air Act, 42 U.S.C.A. 7412(b)(1) lists asbestos as a hazardous air pollutant.

22. Section 9(a) of the Act, 415 ILCS 5/9(a) (2010), provides in pertinent part:

Acts prohibited. No person shall:

(a) Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

23. Section 201.141 of the Board's regulations, 35 Ill. Admin. Code 201.141, provides in pertinent part:

Prohibition of Air Pollution

No person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as, either alone or in combination with contaminants from other sources, to cause or tend to cause air pollution in Illinois, or so as to violate the provisions of this Chapter, or so as to prevent the attainment or maintenance of any applicable ambient air quality standard.

24. Respondents caused or allowed dry, friable regulated asbestos-containing material at the facility to be removed which caused, threatened or allowed the discharge or emission of asbestos into the environment so as to cause or tend to cause air pollution in Illinois.

25. By causing, threatening or allowing the discharge or emission of asbestos into the environment so as to cause or tend to cause air pollution in Illinois Respondents violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2010) and Section 201.141 of the Board's regulations, 35 Ill. Admin. Code 201.141.

PRAYER FOR RELIEF

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that this Honorable Board grant the following relief:

- A. Find that the Respondents have violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2010), and Section 201.141 of the Board's regulations, 35 Ill. Admin. Code 201.141;
- B. Enter an order to permanently restrain the Respondents from further violations of the Act and Board regulations pursuant Section 42(e) of the Act, 415 ILCS 5/42(e) (2010);
- C. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2010), impose upon the Respondents a monetary penalty of not more than \$50,000 for individual violations of the Act and Board regulations, and no more than \$10,000 for each day during which the violations continued;
- D. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2010), award the Complainant its costs in this matter, including reasonable attorney's fees and expert witness costs; and
- E. Grant such other and further relief as the Honorable Board deems appropriate.

COUNT II
ASBESTOS ABATEMENT NOTIFICATION AND PAYMENT VIOLATIONS

1-21. Complainant adopts and incorporates by reference Paragraphs 1 – 21 of Count I of this Complaint as Paragraphs 1 – 21 of this Count II.

22. Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2010), provides in pertinent part:

No person shall:

(1) violate any provisions of Sections 111, 112, 165 or 173 of the Clean Air Act, as now or hereafter amended, or federal regulations adopted pursuant thereto...

23. Section 9.13(b) of the Act, 415 ILCS 5/9.13(b) (2010), provides in pertinent part:

(b) If demolition or renovation of a site has commenced without proper filing of the 10-day Notice, the fee is double the amount otherwise due.

This doubling of the fee is in addition to any other penalties under this Act, the federal NESHAP, or otherwise, and does not preclude the Agency, the Attorney General, or other authorized persons from pursuing an enforcement action against the owner or operator for failure to file a 10-day Notice prior to commencing demolition or renovation activities.

24. Section 61.145(b) of the NESHAP for asbestos, 40 CFR 61.145(b), provides in pertinent part:

(b) Notification requirements. Each owner or operator of a demolition or renovation activity to which this section applies shall:

(1) Provide the Administrator with written notice of intention to demolish or renovate. Delivery of the notice by U.S. Postal Service, commercial delivery service, or hand delivery is acceptable.

* * *

(3) Postmark or deliver the notice as follows:

(i) At least 10 working days before asbestos stripping or removal work or any other activity begins (such as site preparation that would break up, dislodge or similarly disturb asbestos material), if the operation is described in paragraphs (a) (1) and (4) (except (a)(4)(iii) and (a)(4)(iv)) of this section. If the operation is as described in paragraph (a)(2) of this section, notification is required 10 working days before demolition begins.

* * *

25. Respondents did not notify the Illinois EPA of asbestos removal activities performed at the facility before commencing such activities on a date prior to that stated within a notification of demolition and renovation signed on May 3, 2011, and received by the Illinois EPA, on May 5, 2011.

26. By not notifying the Illinois EPA of asbestos removal activities at the facility prior to commencing such activities, Respondents violated the Clean Air Act, or more specifically, the NESHAP for asbestos, and therefore, Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2010).

27. Respondents did not submit the requisite asbestos fee to the Illinois EPA with a notification of demolition and renovation prior to commencing asbestos removal activities.

28. By not submitting the requisite asbestos fee to the Illinois EPA with a notification of demolition and renovation prior to commencing asbestos removal activities, Respondents violated Section 9.13(b) of the Act, 415 ILCS 5/9.13(b) (2010).

29. Respondents did not provide to the Illinois EPA a notification of demolition and renovation to inform the Illinois EPA of Respondents' intent to conduct asbestos removal activities on a date prior to that stated within a notification of demolition and renovation signed on May 3, 2011, and received by the Illinois EPA, on May 5, 2011.

30. By not providing to the Illinois EPA a notification of demolition and renovation informing the Illinois EPA of asbestos removal activities to be performed on a date prior to that stated within a notification of demolition and renovation signed on May 3, 2011, and received by the Illinois EPA on May 5, 2011, Respondents violated Section 61.145(b)(1) and (3) of the NESHAP for asbestos, 40 CFR 61.145(b)(1) and (3).

PRAYER FOR RELIEF

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that this Honorable Board grant the following relief:

A. Find that the Respondents have violated Sections 9.1(d)(1) and 9.13(b) of the Act, 415 ILCS 5/9.1(d)(1) and 9.13(b) (2010), and Section 61.145(b)(1) and (3) of the NESHAP for asbestos, 40 CFR 61.145(b)(1) and (3);

B. Enter an order to permanently restrain the Respondents from further violations of the NESHAP for asbestos Act and Board regulations pursuant to Section 42(e) of the Act, 415 ILCS 5/42(e) (2010);

C. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2010), impose upon the Respondents a monetary penalty of not more than \$50,000 for individual violations of the Act and Board regulations, and no more than \$10,000 for each day during which the violations continued;

D. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2010), award the Complainant its costs in this matter, including reasonable attorney's fees and expert witness costs; and

E. Grant such other and further relief as the Honorable Board deems appropriate.

COUNT III
ASBESTOS ABATEMENT WORK PRACTICE VIOLATIONS

1-22. Complainant adopts and incorporates by reference Paragraphs 1 – 22 of Count I of this Complaint as Paragraphs 1 – 22 of this Count III.

23. Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2010), provides in pertinent part:

No person shall:

(1) violate any provisions of Sections 111, 112, 165 or 173 of the Clean Air Act, as now or hereafter amended, or federal regulations adopted pursuant thereto...

24. Section 61.145(c)(1) of the NESHAP for asbestos, 40 CFR 61.145(c)(1), provides in pertinent part:

(c) Procedures for asbestos emission control. Each owner or operator of a demolition or renovation activity to whom this paragraph applies, according to paragraph (a) of this section, shall comply with the following procedures:

(1) Remove all RACM from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly

disturb the material or preclude access to the material for subsequent removal. RACM need not be removed before demolition if...

* * *

25. Section 61.145(c)(6) of the NESHAP for asbestos, 40 CFR 61.145(c)(6), provides in pertinent part:

(6) For all RACM, including material that has been removed or stripped:

(i) Adequately wet the material and ensure that it remains wet until collected and contained or treated in preparation for disposal in accordance with § 61.150; and

(ii) Carefully lower the material to the ground and floor, not dropping, throwing, sliding, or otherwise damaging or disturbing the material.

(iii) Transport the material to the ground via leak-tight chutes or containers if it has been removed or stripped more than 50 feet above ground level and was not removed as units or in sections.

(iv) RACM contained in leak-tight wrapping that has been removed in accordance with paragraphs (c)(4) and (c)(3)(i)(B)(3) of this section need not be wetted.

26. Respondents did not remove all RACM, including Category I non-friable ACM that would breakup, dislodge, or be similarly disturbed prior to commencing salvaging activities.

27. By not removing all RACM, including Category I non-friable ACM that would breakup, dislodge, or be similarly disturbed prior to commencing salvaging activities, Respondents violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2010), and Section 61.145(c)(1) of the NESHAP for asbestos, 40 CFR 61.145(c)(1).

28. Respondents did not adequately wet, and maintain wet, all RACM and regulated asbestos-containing waste material until collected and contained in accordance with asbestos NESHAP requirements in preparation for disposal at a site permitted to accept such waste.

29. By not adequately wetting, and maintaining wet, all RACM and regulated asbestos-containing waste material until collected and contained in accordance with asbestos NESHAP requirements in preparation for disposal at a site permitted to accept such waste, Respondents violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2010), and Section 61.145(c)(6) of the NESHAP for asbestos, 40 CFR 61.145(c)(6).

PRAYER FOR RELIEF

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that this Honorable Board grant the following relief:

A. Find that the Respondents have violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2010), and Sections 61.145(c)(1) and (6) of the NESHAP for asbestos, 40 CFR 61.145(c)(1) and (6);

B. Enter an order to permanently restrain the Respondents from further violations of the NESHAP for asbestos Act and Board regulations pursuant Section 42(e) of the Act, 415 ILCS 5/42(e) (2010);

C. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2010), impose upon the Respondents a monetary penalty of not more than \$50,000 for individual violations of the Act and Board regulations, and no more than \$10,000 for each day during which the violations continued;

D. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2010), award the Complainant its costs in this matter, including reasonable attorney's fees and expert witness costs; and

E. Grant such other and further relief as the Honorable Board deems appropriate.

COUNT IV
ASBESTOS WASTE HANDLING VIOLATION

1-22. Complainant adopts and incorporates by reference Paragraphs 1 – 22 of Count I of this Complaint as Paragraphs 1 – 22 of this Count IV.

23. Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2010), provides in pertinent part:

No person shall:

(1) violate any provisions of Sections 111, 112, 165 or 173 of the Clean Air Act, as now or hereafter amended, or federal regulations adopted pursuant thereto...

24. Sections 61.150(a) and (b) of the NESHAP for asbestos, 40 CFR 61.150(a) and (b), provides in pertinent part:

Each owner or operator of any source covered under the provisions of §§ 61.144, 61.145, 61.146, and 61.147 shall comply with the following provisions:

(a) Discharge no visible emissions to the outside air during the collection, processing (including incineration), packaging, or transporting of any asbestos-containing waste material generated by the source, or use one of the emission control and waste treatment methods specified in paragraphs (a) (1) through (4) of this section.

(1) Adequately wet asbestos-containing waste material as follows:

(i) Mix control device asbestos waste to form a slurry; adequately wet other asbestos-containing waste material; and

(ii) Discharge no visible emissions to the outside air from collection, mixing, wetting, and handling operations, or use the methods specified by § 61.152 to clean emissions containing particulate asbestos material before they escape to, or are vented to, the outside air; and

(iii) After wetting, seal all asbestos-containing waste material in leak-tight containers while wet; or, for materials that will not fit into containers without additional breaking, put materials into leak-tight wrapping; and

(iv) Label the containers or wrapped materials specified in paragraph (a)(1)(iii) of this section using warning labels specified by Occupational Safety and Health Standards of the Department of Labor, Occupational Safety and Health Administration (OSHA) under 29 CFR 1910.1001(j)(4) or 1926.1101(k)(8). The labels shall be printed in letters of sufficient size and contrast so as to be readily visible and legible.

(v) For asbestos-containing waste material to be transported off the facility site, label containers or wrapped materials with the name of the waste generator and the location at which the waste was generated.

(2) Process asbestos-containing waste material into nonfriable forms as follows:

(i) Form all asbestos-containing waste material into nonfriable pellets or other shapes;

(ii) Discharge no visible emissions to the outside air from collection and processing operations, including incineration, or use the method specified by § 61.152 to clean emissions containing particulate asbestos material before they escape to, or are vented to, the outside air.

(3) For facilities demolished where the RACM is not removed prior to demolition according to §§ 61.145(c)(1) (i), (ii), (iii), and (iv) or for facilities demolished according to § 61.145(c)(9), adequately wet asbestos-containing waste material at all times after demolition and keep wet during handling and loading for transport to a disposal site. Asbestos-containing waste materials covered by this paragraph do not have to be sealed in leak-tight containers or wrapping but may be transported and disposed of in bulk.

(4) Use an alternative emission control and waste treatment method that has received prior approval by the Administrator according to the procedure described in § 61.149(c)(2).

(5) As applied to demolition and renovation, the requirements of paragraph (a) of this section do not apply to Category I nonfriable ACM waste and Category II nonfriable ACM waste that did not become crumbled, pulverized, or reduced to powder.

(b) All asbestos-containing waste material shall be deposited as soon as is practical by the waste generator at:

(1) A waste disposal site operated in accordance with the provisions of § 61.154, or

(2) An EPA-approved site that converts RACM and asbestos-containing waste material into nonasbestos (asbestos-free) material according to the provisions of § 61.155.

* * *

25. Respondents did not wet asbestos-containing waste material or keep asbestos-containing waste material wet during handling and loading for transport to a disposal site, or process asbestos-containing waste material into nonfriable forms, and Respondent's did not use an alternative emission control and waste treatment method that received prior approval by the U.S. EPA's Administrator during renovation activities.

26. By not wetting asbestos-containing waste material or keeping asbestos-containing waste material wet during handling and loading for transport to a disposal site, or processing asbestos-containing waste material into nonfriable forms and not using an alternative emission control and waste treatment method that received prior approval by the U.S. EPA's Administrator during renovation activities, Respondents violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2010), and Section 61.150(a) of the NESHAP for asbestos, 40 CFR 61.150(a).

27. Respondents did not transport all regulated asbestos-containing waste material generated during asbestos removal activities to a proper waste disposal site as soon as practical.

28. By not transporting all regulated asbestos-containing waste material generated during asbestos removal activities to a proper waste disposal site as soon as practical, Respondents violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2010), and Section 61.150(b) of the NESHAP for asbestos, 40 CFR 61.150(b).

PRAYER FOR RELIEF

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that this Honorable Board grant the following relief:

A. Find that the Respondents have violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2010), and Section 61.150(a) and (b) of the NESHAP for asbestos, 40 CFR 61.150(a) and (b);

B. Enter an order to permanently restrain the Respondents from further violations of the NESHAP for asbestos Act and Board regulations pursuant Section 42(e) of the Act, 415 ILCS 5/42(e) (2010);

C. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2010), impose upon the Respondents a monetary penalty of not more than \$50,000 for individual violations of the Act and Board regulations, and no more than \$10,000 for each day during which the violations continued;

D. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2010), award the Complainant its costs in this matter, including reasonable attorney's fees and expert witness costs; and

E. Grant such other and further relief as the Honorable Board deems appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
by LISA MADIGAN,
Attorney General of the State of Illinois,

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 

THOMAS DAVIS, Chief
Assistant Attorney General
Environmental Bureau

Of Counsel
Kelly O. Phelps # 6275697
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Dated: 2/08/13