ILLINOIS POLLUTION CONTROL BOARD November 21, 2013

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 07-13
)	(Enforcement - Air)
RAY F. LANDERS, individually, and)	
EQUIPPING THE SAINTS MINISTRY)	
INTERNATIONAL, INC,)	
)	
Respondents.)	

ORDER OF THE BOARD (by D. Glosser):

On August 24, 2006, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Ray F. Landers (Landers), individually, and Equipping the Saints Ministry International, Inc. (ESMI). The complaint concerns demolition at a building formerly known as the "Auburn Bowling Alley," located at 1229 West Jackson Street in Auburn, Sangamon County. In this case, the People allege that ESMI was, at the time of the alleged violation, the owner of the building and that Landers is affiliated with ESMI. According to the complaint, respondents violated Section 9.1(d)(1) of the Act (415 ILCS 5/9.1(d)(1) (2012))¹ by violating the federal Clean Air Act regulations on National Emission Standards for Hazardous Air Pollutants (NESHAPs) for asbestos (40 C.F.R. Part 61, Subpart M)². Specifically, the complaint alleges that respondents began demolition activities at the building before January 14, 2005, and that ESMI and Landers are each an "owner" or "operator" of a demolition activity under the asbestos NESHAPs. The People further allege that respondents violated the asbestos NESHAPs, and in turn Section 9.1(d)(1) of the Act, by failing to provide the Illinois Environmental Protection Agency with written notification of the demolition at least ten working days before commencing the demolition.

On November 18, 2010, the Board issued an interim opinion and order granting the People's motion for summary judgment against ESMI finding that ESMI violated Section

¹ The pleadings in this case refer to the 2004 version of the Illinois Compiled Statutes. As there is no difference between the relevant sections in the 2004 and 2010 statutes, the Board will consistently reference the 2012 statutes.

² Although the Board generally does not have jurisdiction over federal CAA regulations, Section 9(b) of the Act provides that federal NESHAPs "are applicable to the state and enforceable under the Act." 415 ILCS 5/9(b) (2012). 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. Asbestos is a known human carcinogen for which there is no safe level of exposure.

9.1(d)(1) of the Act (415 ILCS 5/9.1(d)(1) (2012)). On August 18, 2011, the Board found that a civil penalty was warranted and directed ESMI to pay a civil penalty of \$3,000.

On November 18, 2013, 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) (2012)) was filed in this proceeding. The proposed stipulation, signed by both Landers and ESMI, states:

The respondents shall pay a civil penalty in the sum of five thousand four hundred dollars (\$5,400) within thirty (30) days from the date the Board adopts and accepts this stipulation. The respondent Ray Landers shall pay \$1,500, within 30 days of the date of entry of this stipulation. The remainder of the penalty shall be assessed against the respondent Ministry [ESMI] and is also due within 30 days of the date of the entry of this stipulation. Stip. at 6.

As the case against ESMI concluded on August 18, 2011 and no appeal was filed, the Board seeks clarification of the parties' stipulation. Specifically, the Board questions whether the parties are seeking to modify the Board's August 18, 2011 order assessing a civil penalty of \$3,000 against ESMI, or whether there is another reason for the penalty amounts proposed. The parties are directly to file any appropriate responsive pleading on or before December 12, 2013.

IT IS SO ORDERED.

I, Don A. Brown, Acting Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 21, 2013, by a vote of 4-0.

Don A. Brown, Acting Clerk Illinois Pollution Control Board