ILLINOIS POLLUTION CONTROL BOARD July 23, 2015

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
V.)	PCB 14-127
)	(Enforcement - Air)
REMEDIATION AND MANAGEMENT)	
SERVICES CORPORATION, an Illinois)	
Corporation,)	
•)	
Respondent.)	
*	,	

ORDER OF THE BOARD (by D. Glosser):

On April 24, 2014, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a five-count complaint against Remediation and Management Services Corporation (respondent). The complaint concerns respondent's asbestos removal service, employed to perform asbestos removal at several buildings, within the Upper Mississippi River National Fish and Wildlife Refuge located in Savanna, Carroll County. 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 (2014)), 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 (2014); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Sections 9(a), and 9.1(d)(1) of the Act (415 ILCS 5/9(a) and 9.1(d)(1) (2014)), and Sections 61.45(c)(2)(i), (c)(2)(ii), 61.145(c)(6)(i), (c)(6)(ii), 61.150(a)(1), and 61.150(b) of the Asbestos National Emission Standards for Hazardous Air Pollution, (40 C.F.R. §§ 61.145(c)(2)(i), (c)(2)(ii), (c)(6)(i), (c)(6)(ii), 61.150(a)(1), (b) (2013))¹, and Section 201.141 of the Board Air Pollution Regulations (35 Ill. Adm. Code 201.141). The complaint alleges that the respondent violated these provisions by causing, threatening, or allowing the discharge or emission of asbestos, failing to adequately wet asbestos during removal, failing to prevent damage to asbestos during removal, failing to properly contain asbestos, and failing to timely dispose of asbestos.

¹ Although the Board generally does not have jurisdiction over federal Clean Air Act (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) (2014). Pursuant to Section 112(b)(1) of the CAA, 42 U.S.C. 7412(b)(1)) the Administrator of the United States 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.

On July 9, 2015, the People and the respondent 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) (2014)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2014)), 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, respondent does not affirmatively admit the alleged violations but agrees to pay a civil penalty of \$12,000.

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 parties' request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2014); 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, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 23, 2015 by a vote of 5-0.

John T. Therriault, Clerk

Illinois Pollution Control Board