

ILLINOIS POLLUTION CONTROL BOARD
January 5, 2006

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 04-7
) (Enforcement - Air)
4832 S. VINCENNES, L.P., and Illinois)
limited partnership, and BATTEAST)
CONSTRUCTION COMPANY, INC., an)
Indiana corporation,)
)
Respondents.)

ORDER OF THE BOARD (by A.S. Moore):

On July 14, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against 4832 S. Vincennes, L.P. (Vincennes) and Batteast Construction Company of Illinois, Inc. In an order dated November 6, 2003, the Board granted the People's motion for leave to file a first amended complaint and accepted the amended complaint for hearing. The amended complaint substitutes Batteast Construction Company, Inc. (Batteast) for Batteast Construction Company of Illinois, Inc. as one respondent in this proceeding but is otherwise materially the same as the original complaint filed July 14, 2003. Vincennes remains the other of the two respondents, although this order does not address the Peoples' motion for summary judgment against Vincennes filed October 17, 2005.

In the amended complaint, the People allege that respondents Vincennes and Batteast violated Sections 9(a) and 9.1(d)(1) of the Environmental Protection Act (Act) (415 ILCS 5/9(a), 9.1(d)(1) (2004)); 40 C.F.R. 61.145(a), (c)(1), and (c)(6); and 35 Ill. Adm. Code 201.141. The People further allege that respondents violated these asbestos-related provisions in the course of renovating Vincennes' 4-story, 67-unit residential apartment building at 4832 S. Vincennes Ave., Chicago, Cook County.

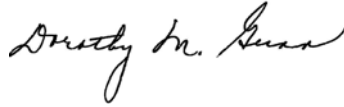
On December 30, 2005, the People and Batteast filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act. 415 ILCS 5/31(c)(1) (2004). This filing is authorized by Section 31(c)(2) of the Act. 415 ILCS 5/31(c)(2) (2004). See 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Batteast admits to the violations alleged in the amended complaint and agrees to pay a civil penalty of \$1,500.

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. 415 ILCS 5/31(c)(2) (2000); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 5, 2006, by a vote of 4-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board