


at the facility, improperly disposing of the asbestos-containing waste material during demolition of the facility when the material was not adequately wet and sealed in leak-tight containers while wet, improperly disposing of the asbestos-containing waste material generated during the demolition of the facility, failing to label the containers of asbestos-containing waste removed during the demolition of the facility with the name of the waste generator and the location at which the waste was generated, and failing to transport to a waste disposal site as soon as practical all asbestos-containing waste material generated during the demolition of the facility (count I); and by causing, threatening or allowing the discharge or emission of asbestos into the environment by failing to adequately wet, contain and properly dispose of all ACM during demolition of the facility (count II).

On July 12, 2011, the People and Prairieland 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) (2008)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2008)), 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, Prairieland does not admit the alleged violations and agrees to pay a civil penalty of \$50,000. Prairieland shall pay the penalty in three installments. Prairieland shall pay the first installment of \$25,000 within 30 days of Board approval of this settlement, the second installment of \$12,500 within 180 days of Board approval of this settlement and the third installment of \$12,500 within 360 days of Board approval of this settlement.

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 request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2008); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 21, 2011, by a vote of 5-0.



John Therriault, Clerk
Illinois Pollution Control Board