

ILLINOIS POLLUTION CONTROL BOARD
May 1, 1997

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 96-262
)	(Enforcement - Air)
R. FRIETSCH AND COMPANY, INC.)	
a Delaware corporation,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by K.M. Hennessey):

On June 26, 1996, the Illinois Attorney General, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, filed a one-count complaint against R. Frietsch and Company, Inc. (Frietsch), a Delaware corporation located at 1823 W. Kettelle, Peoria, Peoria County, Illinois. The complaint alleges that Frietsch violated Section 9.1(d)(1) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/9.1(d)(1) (1994)) and 40 CFR 61.145(b) by failing to provide notification of asbestos renovation or demolition activity performed at Illinois Central College, East Peoria, Tazewell County, Illinois.

Pursuant to 415 ILCS 5/31(c)(2) (P.A. 89-596, eff. August 1, 1996), the parties filed a joint motion requesting relief from the Act's hearing requirement on March 13, 1997. The Board published a notice of the requested waiver on March 26, 1997. No objection to granting the waiver was received. Waiver of hearing is hereby granted.

The parties filed a Stipulation and Proposal for Settlement (Settlement Agreement) on March 13, 1997. The Settlement Agreement sets forth facts relating to the nature of and operations and circumstances surrounding the claimed violations. Frietsch admits the alleged violations and agrees to pay a total civil penalty of eight thousand dollars (\$8,000.00). The Board finds the Settlement Agreement acceptable under 35 Ill. Adm. Code 103.180.

The Settlement Agreement in no way affects Frietsch's responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's pollution control regulations.

This opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

- 1) The Board hereby accepts the Stipulation and Proposal for Settlement (Settlement Agreement) executed by the People of the State of Illinois and R. Frietsch and Company, Inc. (Frietsch), a Delaware corporation located at 1823 W. Kettelle, Peoria, Peoria County, Illinois. The Settlement Agreement is incorporated by reference as though fully set forth herein.
- 2) Frietsch shall pay the sum of eight thousand dollars (\$8,000.00) within 30 days of the date of this order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Illinois Environmental Protection Trust Fund, and shall be sent by First Class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

The certified check or money order shall clearly indicate on its face the case name and number, along with Frietsch's Federal Employer Identification Number 370950255. A copy of the payment transmittal and the certified check or money order shall be simultaneously sent by First Class mail to:

Genevieve M. Watts
Assistant Attorney General
Environmental Bureau
Attorney General's Office
100 West Randolph Street, 11th Floor
Chicago, IL 60601

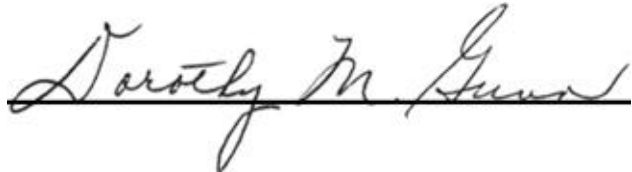
Any such penalty not paid within the time prescribed shall accrue interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act (35 ILCS 5/1003 (1994)), as now or hereafter amended, from the date payment is due until the date payment is received. If the time for payment is stayed during the pendency of an appeal, interest shall not accrue during such stay.

- 3) Frietsch shall cease and desist from the admitted violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246 "Motions for Reconsideration.")

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 1st day of May, 1997, by a vote of 7-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board