

ILLINOIS POLLUTION CONTROL BOARD
June 4, 2015

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 15-201
)	(Enforcement – Air)
TERRY STAHLY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by D. Glosser):

On May 21, 2015, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against Terry Stahly (respondent). The complaint concerns respondent’s storage building located at 1201 East Bell Road, Bloomington, McLean County. Accompanying the complaint was a stipulation, proposal for settlement, and request for relief from the hearing requirement. The parties therefore seek to settle the complaint without a hearing. For the reasons below, the Board accepts the complaint and directs the Clerk to provide public notice of the stipulation, proposed settlement, and request for hearing relief.

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 9.1(d)(1), and 9.13 of the Act (415 ILCS 5/9.1(d)(1) and 9.13 (2014)), and Section 61.145(b)(1) of the Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) (40 C.F.R. § 61.145(b)(1))¹. The complaint alleges that the respondent violated these provisions by failing to timely provide the Illinois Environmental Protection Agency with written notice of an intention to demolish the facility prior to demolition and failing to submit asbestos fees. The Board finds that the complaint meets the applicable content requirements of the Board’s procedural rules and accepts the complaint. *See* 35 Ill. Adm. Code 103.204(c).

On May 21, 2015, simultaneously with the People’s complaint, the People and 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

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.

settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, the respondent admits the alleged violations and agrees to pay a civil penalty of \$15,000.

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 June 4, 2015, by a vote of 5-0.



John T. Therriault, Clerk
Illinois Pollution Control Board