

ILLINOIS POLLUTION CONTROL BOARD
June 5, 1997

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 96-136
) (Enforcement - Air)
STEVE KULOVSEK d/b/a WSH)
MANAGEMENT GROUP and d/b/a)
KULOVSEK EXCAVATING,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by J. Yi):

This matter comes before the Board upon a one-count complaint filed on December 22, 1995, by the Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, against Steve Kulovsek, d/b/a WSH Management Group, and d/b/a Kulovsek Excavating (respondent), located at 95 Grant Street, Crystal Lake, McHenry County, Illinois concerning asbestos demolition and renovation activity performed at former Marengo High School, 200 West Grant Highway, Marengo, McHenry County, Illinois. The complaint alleges that respondent has 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 demolition or renovation activity.¹

On April 22, 1997, the parties filed a stipulation, settlement agreement, and a joint motion requesting relief from the requirement of Section 31(c)(2) that proposed stipulation and settlement agreements be presented at hearing. (415 ILCS 5/31(c)(2) (Supp.1997). The Board published a notice of the waiver on April 30, 1997. No objection to the granting of the waiver was received. Accordingly, the Board grants a wavier from the hearing requirement.

The stipulation sets forth facts relating to the nature, operations, and circumstances surrounding the claimed violations. Respondent admits the alleged violations and agrees to pay a total civil penalty of five thousand dollars (\$5,000.00).

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects respondent's responsibility to comply with any

¹ While the Board does not generally enforce the provisions of the Code of Federal Regulations, Section 9.1(d)(1) of the Act authorizes enforcement of Sections 111, 112, 165 and 173 of the Clean Air Act and the regulations adopted pursuant thereto.

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 finding of fact and conclusions of law in this matter.

ORDER

- 1) The Board hereby accepts the stipulation and settlement agreement executed by the People of the State of Illinois and Steve Kulovsek, d/b/a WSH Management Group, and d/b/a Kulovsek Excavating (respondent), located at 95 Grant Street, Crystal Lake, McHenry County, Illinois concerning asbestos demolition and renovation activity performed at former Marengo High School, 200 West Grant Highway, Marengo, McHenry County, Illinois. The stipulation and settlement agreement are incorporated by reference as though fully set forth herein.
- 2) Respondent shall pay a total sum of five thousand dollars (\$5,000.00) within one year of the date of this order. Payment shall be made pursuant to the following schedule:
 - a. \$1,250.00 within thirty (30) days from the date of this final Board order approving the parties' stipulation and proposal for settlement; and
 - b. Thereafter a quarterly payment of \$1,250.00 shall be due three months after the due date of the previous payment.

Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the 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 respondent's social security number 320-48-4156, and that payment is directed to the Environmental Protection Trust Fund. A copy of the payment transmittal and the certified check or money order shall be simultaneously sent by First Class mail to:

Alyssa L. Fron
Assistant Attorney General
Environmental Bureau
Attorney General's Office
100 West Randolph Street, 11th Floor
Chicago, IL 60601

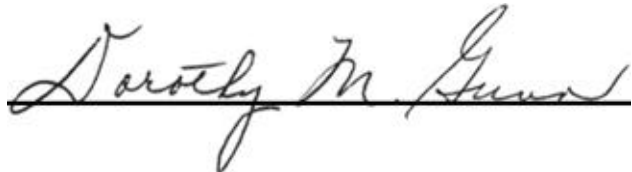
Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in Section 1003(a) of the Illinois Income Tax Act, (35 ILCS 5/1003(1994)), as now or hereafter amended, from the date payment is due until the date payment is received. If the time for payment is stayed during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

3) Respondent shall cease and desist from the alleged 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 to the Illinois Appellate Court within 35 days of the date of service of this opinion and 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 5th day of June 1997, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board