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CLERK'S OFFICE

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD JUL 7 2003

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS,)
 by LISA MADIGAN, Attorney)
 General of the State of Illinois,)
)
 Complainant,)
)
 v.)
)
 BEST-WAY CONSTRUCTION &)
 REMEDIATION, INC.,)
 an Illinois corporation, and)
 CLINTON 6 L.L.C., an Illinois)
 limited liability company)
)
 Respondents.)

No. PCB 04-4
(Enforcement - Air)

NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that on July 7, 2003, the People of the State of Illinois filed with the Illinois Pollution Control Board a Complaint, true and correct copies of which are attached and hereby served upon you.

Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Clerk's Office, or an attorney.

Respectfully submitted,

LISA MADIGAN
Attorney General
State of Illinois

BY:



JOEL J. STERNSTEIN
Assistant Attorney General
Environmental Bureau
188 W. Randolph St., 20th Floor
Chicago, Illinois 60601
(312) 814-6986

THIS FILING IS SUBMITTED ON RECYCLED PAPER

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COMPLAINT FOR CIVIL PENALTIES

Complainant, People of the State of Illinois, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA") complains of Respondents BEST-WAY CONSTRUCTION AND REMEDIATION ("BEST-WAY"), an Illinois corporation, and CLINTON 6 L.L.C. ("CLINTON 6"), an Illinois limited liability company as follows:

COUNT I

AIR POLLUTION

1. This Complaint is brought on behalf of the People ("Complainant") by the Attorney General on her own motion and upon the request of the Illinois Environmental Protection Agency ("Illinois EPA") pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS

5/31 (2002).

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2002), and charged, *inter alia*, with the duty of enforcing the Act. This Complaint is brought pursuant to Section 31 of the Act, 415 ILCS 5/31 (2002), with respect to BEST-WAY.

3. This Complaint is brought on the Attorney General's own motion with respect to CLINTON 6.

4. At all times relevant to this complaint, Respondent BEST-WAY was an Illinois corporation conducting asbestos abatement activities.

5. Respondent BEST-WAY was an Illinois corporation from sometime on or before January 19, 1994 until June 1, 1995 and from sometime on or before January 24, 1996 until June 1, 2002. On June 1, 1995 and June 1, 2002, the Illinois Secretary of State issued a Certificate of Dissolution of Domestic Corporation for Respondent BEST-WAY's failure to file an annual report with the Secretary of State pursuant to Section 12.40 of the Business Corporation Act of 1983, 805 ILCS 5/12.40 (2002).

6. Section 12.80 of the Business Corporation Act of 1983, 805 ILCS 5/12.80 (2002), provides in pertinent part as follows:

Survival of remedy after dissolution. The dissolution of a corporation . . . (2) by the issuance of a certificate of dissolution in accordance with Section 12.40 of this Act . . . shall not take away nor impair any civil remedy available to or against any such

corporation, its directors, or shareholders, for any right or claim existing, or any liability incurred, prior to such dissolution if action or other proceeding thereon is commenced within five years after the date of such dissolution. Any such action or proceeding by or against the corporation may be prosecuted or defended by the corporation in its corporate name.

7. Complainant's right to a civil remedy against Respondent, its directors, or shareholders is not impaired despite the Secretary of State's dissolution of Respondent BEST-WAY's corporate status on June 1, 2002.

8. At all times relevant to this complaint, Respondent CLINTON 6 was an Illinois limited liability company that owned a building located at 612 South Clinton Street, Chicago, Cook County, Illinois ("Facility"). At all times relevant to this complaint CLINTON 6 was the beneficiary of a land trust and was the holder of the deed to the facility.

9. CLINTON 6 is in good standing with the Illinois Secretary of State.

10. Sometime on or prior to January 5, 2000, or on other dates better known to Respondents, workers employed by Respondent BEST-WAY were engaged in the removal of asbestos at 612 South Clinton Street, Chicago, Cook County, Illinois ("Facility").

11. On January 5, 2000, an Illinois EPA inspector visited the Facility.

12. On that day, there was approximately 4,353 square feet

of suspect floor tiles at the Facility which had been removed with spud bars. The inspector also noticed five spud bars at the Facility, four of them with suspect debris on the blades. The floor tiles were dry and had been crumbled, ground and/or pulverized rendering them friable.

13. The Illinois EPA inspector obtained samples of the suspect floor tiles. Subsequent testing of those floor tiles indicated that the floor tiles contained anywhere from 5% to 20% chrysotile asbestos.

14. On March 15, 2000 Illinois EPA issued a Violation Notice ("VN") to Respondent BEST-WAY for violations of the Act and Pollution Control Board ("Board") regulations.

15. The VN alleged that Respondent BEST-WAY failed to properly notify the Illinois EPA of asbestos removal activities, failed to adequately wet and keep wet all ACM and RACM, failed to deposit, as soon as practicable, all ACM and RACM at a Facility permitted to accept ACM and RACM.

16. By causing or allowing dry friable asbestos floor tiles to be deposited, uncontrolled, on floors at the Facility, Respondents caused, threatened and allowed asbestos fibers to be released to the environment both inside and outside of the building.

17. Asbestos is a known human carcinogen with no known safe level of exposure. Studies have shown that ingesting asbestos

contaminated food can lead to cancer of the esophagus and digestive tract. Inhaling asbestos fibers causes asbestosis, a scarring of the lungs. Asbestos can also cause cancer of the lungs, and the lining of the abdominal cavity.

18. Pursuant to Section 112(b) (1) of the Clean Air Act ("CAA"), 42 U.S.C. § 7412(b) (1), the Administrator of the United States Environmental Protection Agency ("USEPA") has listed asbestos as a hazardous air pollutant.

19. Section 9(a) of the Act, 415 ILCS 5/9(a) (2002), provides as follows:

No person shall:

- a. Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act;

20. Section 201.141 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.141, provides as follows:

Prohibition of Air Pollution

No person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

21. Section 3.115 of the Act, 415 ILCS 5/3.115 (2002),

defines air pollution as follows:

"AIR POLLUTION" is the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

22. Section 3.165 of the Act, 415 ILCS 5/3.165 (2002),

defines contaminant as follows:

"CONTAMINANT" is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

23. Asbestos is a "contaminant" as the term is defined by Section 3.06 of the Act, 415 ILCS 5/3.165 (2002).

24. Section 3.315 of the Act, 415 ILCS 5/3.315 (2002),

defines person as follows:

"PERSON" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

25. Respondents are "persons" as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2002).

26. Respondents caused, threatened, and/or allowed the mishandling of dry, friable floor tiles containing asbestos so as to cause, threaten and/or allow asbestos fibers to enter the environment at, and in the immediate area of, the Facility.

27. By removing dry, friable floor tiles containing

asbestos without wetting and without containment, Respondents have caused, threatened, or allowed air pollution in Illinois in violation of Section 9(a) of the Act, 415 ILCS 5/9(a) (2002), and 35 Ill. Adm. Code 201.141.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter a judgment in favor of Complainant and against Respondents BEST-WAY and CLINTON 6 on Count I:

1. Authorizing a hearing in this matter at which time Respondents will be required to answer the allegations herein;

2. Finding that Respondents have caused, threatened, or allowed violations of Section 9(a) of the Act and 35 Ill. Adm. Code Section 201.141;

3. Ordering Respondents to cease and desist from further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2002), and Section 201.141 of the Board Air Pollution Regulations, 35 Ill. Adm. Code 201.141;

4. Assessing against Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and pertinent Board Air Pollution Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Taxing all costs in this action pursuant to Section 42(f) of the Act, including attorney, expert witness and

consultant fees, against Respondents; and

6. Granting such other relief as the Board deems appropriate and just.

COUNT II

VIOLATION OF ASBESTOS EMISSION CONTROL PROCEDURES

1-19. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 18 and paragraph 24 of Count I as paragraphs 1 through 19 of this Count II.

20. Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2002), provides as follows:

No person shall:

1. Violate any provisions of Sections 111, 112, 165, 173 of the Clean Air Act, as now or hereafter amended, or federal regulations adopted pursuant thereto;

21. Pursuant to Section 112(b)(1) of the Clean Air Act, 42 U.S.C. § 7412(b)(1), the Administrator of the United States Environmental Protection Agency ("USEPA") has adopted national emission standards for hazardous air pollutants ("NESHAP"), including asbestos. The NESHAP for asbestos is found at Title 40, Chapter 61 of the Code of Federal Regulations, 40 CFR 61, Subpart M.

22. 40 CFR 61.141, provides, in pertinent part, the following definitions:

Adequately wet means sufficiently mix or penetrate with liquid to prevent the release

of particulates. If visible emissions are observed coming from asbestos-containing material, then that material has not been adequately wetted. However, the absence of visible emissions is not sufficient evidence of being adequately wet.

Asbestos means the asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, anthophyllite, and actinolite-tremolite.

Asbestos-containing waste materials means mill tailings or any waste that contains commercial asbestos and is generated by a source subject to the provisions of this subpart. This term includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with commercial asbestos. As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing.

* * *

Category I nonfriable asbestos-containing material (ACM) means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy.

Category II nonfriable ACM means any material, excluding Category I nonfriable ACM, containing more than 1 percent asbestos as determined using the methods specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

Cutting means to penetrate with a sharp-edged instrument and includes sawing, but does not

include shearing, slicing or punching.

Demolition means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.

* * *

Facility means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.

Facility component means any part of a facility including equipment.

Friable asbestos material means any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.

* * *

Grinding means to reduce to powder or small

fragments and includes mechanical chipping or drilling.

* * *

Nonfriable asbestos-containing material means any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy, that, when dry, cannot be crumbled, pulverized or reduced to powder by hand pressure.

Nonscheduled renovation operation means a renovation operation necessitated by the routine failure of equipment, which is expected to occur within a given period based on past operating experience, but for which an exact date cannot be predicted.

Outside air means the air outside buildings and structures, including, but not limited to, the air under a bridge or in an open air ferry dock.

Owner or operator of a demolition or renovation activity means any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both.

Planned renovation operations means a renovation operation, or a number of such operations, in which some RACM will be removed or stripped within a given period of time and that can be predicted. Individual nonscheduled operations are included if a number of such operations can be predicted to occur during a given period of time based on operating experience.

* * *

Regulated asbestos-containing material (RACM) means (a) Friable asbestos material, (b)

Category I nonfriable ACM that has become friable, (c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting or abrading, or (d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this subpart.

Remove means to take our RACM or facility components that contain or are covered with RACM from any facility.

Renovation means altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

* * *

Strip means to take off RACM from any part of a facility or facility components.

Structural member means any load-supporting member of a facility, such as beams and load supporting walls; or any nonload-supporting member, such as ceilings and non load-supporting walls.

Visible emissions means any emissions, which are visually detectable without the aid of instruments, coming from RACM or asbestos-containing waste material, or from any asbestos milling, manufacturing, or fabricating operation. This does not include condensed, uncombined water vapor.

Waste generator means any owner or operator of a source covered by this subpart whose act or process produces asbestos-containing waste material.

* * *

Working day means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

23. The Facility is a "facility" as that term is defined at 40 CFR 61.141 (July 1, 2002).

24. Floor tiles were removed from "facility component[s]" as that term is defined at 40 CFR 61.141.

25. The removal of floor tiles was a "planned renovation activity" as that term is defined at 40 CFR 61.141.

26. At all times relevant to this complaint, BEST-WAY owned the renovation activities at the Facility. Respondent BEST-WAY was therefore the owner of a demolition or renovation activity as that term is defined at 40 CFR 61.141.

27. At all times relevant to this complaint Respondent CLINTON 6 owned the Facility. Respondent CLINTON 6 was therefore the "owner or operator of a demolition or renovation activity" as that term is defined at 40 CFR 61.141.

28. The floor tiles removed at the Facility contained more than one (1) percent asbestos and were friable. Through their activities at the Facility, Respondents caused or allowed Category I nonfriable ACM to become friable. The floor tiles were therefore "RACM" as that term is defined at 40 CFR 61.141.

29. 40 CFR 61.145(a), titled Standard for demolition and renovation: Applicability, provides in pertinent part as follows:

(a) Applicability . . . The requirements of paragraphs (b) and (c) of this section apply

to each owner or operator of a demolition or renovation activity, including the removal of RACM as follows:

* * *

(4) In a facility being renovated, including any individual nonscheduled renovation operation, all the requirements of paragraphs (b) and (c) of this section apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is:

(i) At least 80 linear meters (260 linear feet) on pipes or at least 15 square meters (160 square feet) on other facility components, or .

30. The total amount of RACM to be removed from components at the Facility exceeded 160 square feet. Respondents were therefore subject to the requirements of 40 CFR 61.145(b) and (c).

31. 40 CFR 61.145(c), titled Standard for demolition and renovation: Procedures for asbestos emission control, provides in part as follows:

Each owner or operator of a demolition or renovation activity to whom this paragraph applies, according to paragraph (a) of this section, shall comply with the following procedures:

* * *

(3) When RACM is stripped from a facility component while it remains in place in the facility, adequately wet the RACM during the stripping operation.

* * *

(6) For all RACM, including material that has been removed or stripped:

(i) Adequately wet the material and ensure that it remains wet until collected and contained or treated in preparation for disposal in accordance with §61.150;

32. Respondents failed to remove all floor tiles in a non-friable state from the Facility prior to the renovation work. Sometime on or prior to January 5, 2000, or on other dates better known to Respondents, Respondents' renovation work crumbled, ground, and/or pulverized previously non-friable asbestos

33. Respondents also failed to adequately wet the facility components at the Facility during the removal of the floor tile. The asbestos in the floor tile became friable and was emitted into the environment.

34. Sometime on or prior to January 5, 2000, or on other dates better known to Respondents, Respondents failed to adequately wet the RACM and failed to insure it remained wet until collected, contained or treated in preparation for disposal.

35. Respondents, by their actions as alleged herein, violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1)(2002), and 40 CFR 61.145(c)(3) and (c)(6).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter a judgment in favor of

Complainant and against Respondents BEST-WAY and CLINTON 6 on
Count II:

1. Authorizing a hearing in this matter at which time Respondents will be required to answer the allegations herein;
2. Finding that Respondents have caused, threatened, or allowed violations of Section 9.1(d) (1) of the Act and 40 CFR 61.145(c) (3) and (c) (6);
3. Ordering Respondents to cease and desist from further violations of Section 9.1(d) (1) of the Act, 415 ILCS 5/9.1(d) (1) (2002), and 40 CFR 61.145(c) (3) and (c) (6);
4. Assessing against Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and pertinent Board Air Pollution Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Taxing all costs in this action pursuant to Section 42(f) of the Act, including attorney, expert witness and consultant fees, against Respondents; and
6. Granting such other relief as the Board deems appropriate and just.

COUNT III

FAILURE TO FOLLOW NESHAP RENOVATION NOTIFICATION REQUIREMENTS

1-30. Plaintiff realleges and incorporates by reference paragraphs 1 through 30 of Count II as paragraphs 1 through 30 of

this Count III.

31. Respondents provided Illinois EPA notice of their intent to remove or disturb RACM to Illinois EPA. However, Respondents did not postmark or deliver the notice to Illinois EPA at least 10 working days prior to renovation activities at the Facility.

32. Section 61.145 of the NESHAP for asbestos, 40 CFR 61.145, titled, Standard for demolition and renovation, provides, in pertinent part, as follows:

(b) Notification requirements. Each owner or operator of a demolition or renovation activity to which this section applies shall:

(1) Provide the Administrator with written notice of intention to demolish or renovate. Delivery of the notice by U.S. Postal Service, commercial delivery service, or hand delivery is acceptable.

* * *

(3) Postmark or deliver the notice as follows:

(i) At least 10 working days before asbestos stripping or removal work or any other activity begins (such as site preparation that would break up, dislodge or similarly disturb asbestos material, if the operation is described in paragraphs (a)(1) and (4) . . .

33. As owners or operators of a renovation activity which disturbed more than 160 square feet of RACM, Respondents were required to postmark or deliver notice to Illinois EPA within 10

working days prior to beginning the renovation activity at the Facility.

34. By failing to postmark or deliver the notice to Illinois EPA within 10 working days prior to renovation, Respondents violated Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2002) and 40 CFR 61.145(b).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter a judgment in favor of Complainant and against Respondents, BEST-WAY and CLINTON 6 on Count III:

1. Authorizing a hearing in this matter at which time Respondents will be required to answer the allegations herein;

2. Finding that Respondents have caused, threatened, or allowed violations of Section 9.1(d)(1) of the Act and 40 CFR 61.145(b);

3. Ordering Respondents to cease and desist from further violations of Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1)(2002), and 40 CFR 61.145(b);

4. Assessing against Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and pertinent Board Air Pollution Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Taxing all costs in this action pursuant to Section

42(f) of the Act, including attorney, expert witness and consultant fees, against Respondents; and

6. Granting such other relief as the Board deems appropriate and just.

COUNT IV

IMPROPER DISPOSAL

1-30. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 30 of Count II as paragraphs 1 through 30 of this Count IV.

31. The crumbled, ground, and/or pulverized floor tiles at the Facility were "asbestos-containing waste material" as that term is defined at 40 CFR 61.141.

32. Respondents were "waste generators" as that term is defined at 40 CFR 61.141.

33. 40 CFR 61.150, titled, Standard for waste disposal for manufacturing, fabricating, demolition, renovation and spraying operations, provides as follows:

Each owner or operator of any source covered under the provisions of §§61.144, 61.145, 61.146, and 61.147 shall comply with the following provisions:

* * *

(b) All asbestos-containing waste material shall be deposited as soon as is practical by the waste generator at:

(1) A waste disposal site operated in accordance with the provisions of §61.154, or

(2) An EPA-approved site that converts RACM and asbestos-containing waste material into nonasbestos (asbestos-free) material according to the provisions of §61.155.

* * *

34. As owner or operator of a planned renovation at a facility disturbing at least 160 square feet of RACM, Respondents BEST-WAY and CLINTON 6 were subject to the requirements of 40 CFR 61.145(a)(4), and therefore also subject to the requirements of 40 CFR 61.150.

35. Sometime on or prior to January 5, 2000, or on other dates better known to Respondents, Respondents caused or allowed the generation of asbestos containing waste material at the Facility and did not deposit it as soon as was practical at an appropriate waste disposal site.

36. Respondents, by their actions as alleged herein, violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1)(2002), and 40 CFR 61.150(b).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter a judgment in favor of Complainant and against Respondents BEST-WAY and CLINTON 6 on Count IV:

1. Authorizing a hearing in this matter at which time Respondents will be required to answer the allegations herein;
2. Finding that Respondents have caused, threatened, or

allowed violations of Section 9.1(d)(1) of the Act and 40 CFR 61.150(b);

3. Ordering Respondents to cease and desist from further violations of Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1)(2002), and 40 CFR 61.150(b);

4. Assessing against Respondents a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and pertinent Board Air Pollution Regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Taxing all costs in this action pursuant to Section 42(f) of the Act, including attorney, expert witness and consultant fees, against Respondents; and

6. Granting such other relief as the Board deems appropriate and just.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
by LISA MADIGAN,
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY:


ROSEMARIE CAZEAU, Chief
Environmental Bureau

Of Counsel:

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CERTIFICATE OF SERVICE

I, JOEL J. STERNSTEIN, an Assistant Attorney General, certify that on the 7th day of July 2003, I caused to be served by First Class Mail the foregoing Complaint to the parties named on the attached service list, by depositing same in postage prepaid envelopes with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601.



JOEL J. STERNSTEIN