



properly wet, contain, and properly dispose of all regulated asbestos containing material (RACM) during asbestos removal and waste disposal activities at the fertilizer storage unit at the site

#### COUNT II

Sections 61.145(a) and (b) of the NESHAP for asbestos, 40 C.F.R. 61.145(a) and (b), thereby violating Section 9.1(d) of the Act, 415 ILCS 5/9.1(d). Prior to commencing asbestos removal activities at the fertilizer storage building, respondent failed to thoroughly inspect the facility for the presence of asbestos, including Category I and Category II non-friable asbestos-containing material (ACM) and failed to provide the Illinois EPA a notification of demolition and renovation informing the Illinois EPA of its intent to conduct renovation activities.

#### COUNT III

Sections 61.145(c)(1); 61.145(c)(2)(i) and (ii); 61.145(c)(4); 61.145(c)(6); 61.145(c)(8); and 61.150(a)(1)(iii), (iv) and (v) of the NESHAP, 40 CFR 61.145(c)(1); 61.145(c)(2)(i) and (ii); 61.145(c)(4); 61.145(c)(6); 61.145(c)(8); and 61.150(a)(1)(iii), (iv) and (v). Respondent failed to remove all RACM prior to commencing demolition activities, including Category I non-friable ACM, that would breakup, dislodge, or similarly disturb the material. Respondent failed to wet all RACM and prevent damage or disturbance to the RACM exposed during cutting or disjoining operations at the fertilizer storage building. Respondent failed to wet and contain all RACM during the removal of Category I asbestos containing transite siding panels. Respondent failed to adequately wet and maintain wet all RACM and regulated asbestos-containing waste material until collected and contained in preparation for disposal at a site permitted to accept such waste. Respondent failed to adequately wet, keep wet, and containerize all regulated asbestos containing waste material thereby causing or allowing the discharge of visible emissions to the outside air.

#### COUNT IV

Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2012), and Section 61.150(b) of the NESHAP, 40 C.F.R. 61.150(b). Respondent failed to transport to a waste disposal site as soon as practical all asbestos-containing waste material generated during demolition activities.

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 September 5, 2013, 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) (2012)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2012)), 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, the respondent did not affirmatively admit to the alleged violations and agreed to pay a civil penalty of \$17,500.

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) (2012); 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 September 19, 2013, by a vote of 4-0

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

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John T. Therriault, Clerk  
Illinois Pollution Control Board