

ILLINOIS POLLUTION CONTROL BOARD

June 6, 2002

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 01-17
)	(Enforcement – Air)
N.E. FINCH, a Delaware corporation, and)	
PEORIA ASSOCIATES, an Illinois limited)	
partnership,)	
)	
Respondents.)	

ORDER OF THE BOARD (by C.A. Manning):

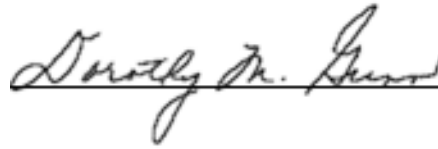
On August 1, 2000, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a two-count complaint against N.E. Finch and Peoria Associates (respondents). *See* 415 ILCS 5/31(c)(1) (2000); 35 Ill. Adm. Code 103.204. The People allege that respondents violated Sections 9(a) and 9.1(d) of the Environmental Protection Act (Act) (415 ILCS 5/9(a), 9.1(d) (2000)), and the Board's air pollution regulations. The People further allege that respondents violated these provisions by failing to properly remove, handle, and dispose of asbestos-containing waste. The complaint concerns respondent Finch's demolition of the former Burlington Coat Factory in Peoria County.

On May 28, 2002, the People and respondents 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) (2000)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, respondents deny the alleged violations, but agree to pay a civil penalty of \$10,000.

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. 415 ILCS 5/31(c)(2) (2000); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 6, 2002, 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