

ILLINOIS POLLUTION CONTROL BOARD

November 6, 1997

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 97-48
)	(Enforcement - Air)
SENTRY ASBESTOS ABATEMENT)	
COMPANY, INC., an Illinois corporation,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by K.M. Hennessey):

On September 5, 1996, the Illinois Attorney General, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, filed a two-count complaint against Sentry Asbestos Abatement Company, Inc. (Sentry), an Illinois corporation located in Gibson City, Ford County, Illinois. The complaint alleges that Sentry violated Section 9.1(d)(1) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/9.1(d)(1) (1996)) and 40 CFR 61.145(b)(3) and (4) by failing to provide timely or complete notification of demolition or renovation for five locations in Vermillion County, Tazewell County, Peoria County, Sangamon County, and Champaign County, Illinois.

Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1996)), a motion was filed on October 1, 1997, requesting relief from the Act's hearing requirement. The Board published notice of the requested relief on October 2, 4, 6, and 8, 1997, in a different newspaper each day. The Board has received no objection to granting the relief from the Act's hearing requirement. The relief is hereby granted.

A Stipulation and Proposal for Settlement (Settlement Agreement) was filed on October 1, 1997. The Settlement Agreement sets forth facts relating to the nature of and operations and circumstances surrounding the claimed violations. Sentry does not admit to the alleged violations, but agrees to pay a total civil penalty of \$2,500. The Board finds the Settlement Agreement acceptable under 35 Ill. Adm. Code 103.180.

The Settlement Agreement in no way affects Sentry's responsibility to comply with any 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 findings of fact and conclusions of law in this matter.

ORDER

1. The Board hereby accepts the Stipulation and Proposal for Settlement (Settlement Agreement) executed by the People of the State of Illinois and Sentry Asbestos Abatement Company, Inc. (Sentry), an Illinois corporation located in Gibson City, Ford County, Illinois. The Settlement Agreement is incorporated by reference as though fully set forth herein.
2. Sentry must pay a total civil penalty of \$2,500 within 30 days of the date of this order. Such payment must be made by certified check payable to the Treasurer of the State of Illinois, designated to the Illinois Environmental Protection Trust Fund, and must be sent by First Class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
Springfield, Illinois 62702

The certified check must clearly indicate on its face the case name and number, along with Sentry's Federal Employer Identification Number (37-1177325). A copy of the payment transmittal and certified check must be sent simultaneously by First Class mail to:

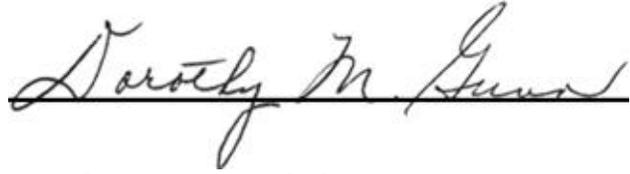
Office of the Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706

3. Any such penalty not paid within the time prescribed will accrue interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act (35 ILCS 5/1003(a) (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 will not accrue during such stay.
4. Sentry must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1996)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 145 Ill. 2d R. 335; 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 6th day of November 1997, by a vote of 7-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board