

ILLINOIS POLLUTION CONTROL BOARD
June 1, 1995

PEOPLE OF THE STATE)
OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 94-201
) (Enforcement-Air)
BECKER BROS., INC., a Delaware)
corporation, and G. RAYMOND)
BECKER, JR.,)
)
Respondents.)

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

This matter comes before the Board upon a four-count complaint filed July 25, 1994, 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 Becker Bros., Inc., a Delaware corporation, and G. Raymond Becker, Jr. located in the City of Peoria, Peoria County, Illinois. The complaint alleges that Becker Bros., Inc., a Delaware corporation, and G. Raymond Becker, Jr. have violated Sections 9(a) and 9.1(d)(1) of the Illinois Environmental Protection Act (Act), 415 ILCS 5/9(a), 5/9.1(d), 40 C.F.R. §61.145(c)(6)(i), 40 C.F.R. §61.150(b) and 35 Ill. Adm. Code 201.141 for causing the discharge or emission of contaminants, failure to provide notification of asbestos demolition activity, violation of asbestos emission control procedures, and improper disposal of asbestos-containing material at the Community Bank Building located in the City of Peoria, Peoria County, Illinois.

Pursuant to 415 ILCS 5/31(a)(2), the parties filed a joint motion requesting relief from the Act's hearing requirement on May 2, 1995. The Board published a notice of the waiver on May 4, 1995; no objection to granting of the waiver was received. Waiver of hearing is hereby granted.

The parties filed a stipulation and settlement agreement on May 2, 1995. The stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Becker Bros., Inc., a Delaware corporation, and G. Raymond Becker, Jr. neither admits nor deny the alleged violations and agree to pay a civil penalty of fifteen thousand dollars (\$15,000.00).

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects respondents' 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 settlement agreement executed by the People of the State of Illinois and Becker Bros., Inc.'s, a Delaware corporation, and G. Raymond Becker, Jr, concerning the Community Bank Building located in the City of Peoria, Peoria County, Illinois. The stipulation and settlement agreement are incorporated by reference as though fully set forth herein.
- 2) Respondents shall pay the sum of fifteen thousand dollars (\$15,000.00) within nine (9) months of the date of this order. Payment of two thousand dollars (\$2,000.00) per month shall be made for each of the first six (6) months and one thousand dollars (\$1,000.00) per month for the remainder of the term. 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, Becker Bros., Inc.'s and G. Raymond Becker, Jr.'s Federal Employer Identification Number 37-0723371 and that payment is directed to the Environmental Protection Trust Fund.

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

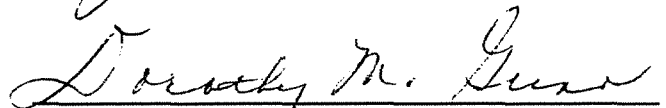
- 3) Respondents shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Board Member J. Theodore Meyer concurred.

Section 41 of the Environmental Protection Act (415 ILCS 5/41) provides for the appeal of final Board orders within 35 days of the date of service of this order. (See also 35 Ill. Adm. Code 101.246, Motion 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 12th day of June, 1995, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board