

ILLINOIS POLLUTION CONTROL BOARD
March 2, 2000

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 96-261
) (Enforcement - Air)
G.M. DEMOLITION CORPORATION, an)
Illinois corporation,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by N.J. Melas):

On January 27, 2000, the parties filed a stipulation and proposal for settlement. The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. The complaint alleged that respondent violated Section 9.1(d)(1) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(d) (1998)) and Sections 61.145(b)(3) and 61.145(b)(4) of the National Emission Standards for Hazardous Air Pollutants (40 C.F.R. §§ 61.145(b)(3)(4)) by failing to provide timely and sufficient notification of asbestos demolition or renovation activity.

Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), the Board caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. Notice appeared in the *Chicago Sun Times* on January 28, 2000, and the *Kankakee Daily Journal* on January 30, 2000. The Board did not receive any requests for hearing. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation and proposal for settlement sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. Respondent neither admits nor denies the alleged violations and agrees to pay a total civil penalty of \$8,000. Respondent must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's 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 respondent, G. M. Demolition Corporation, an Illinois corporation, located at 122 South Wolcott, Thornton, Cook County, Illinois concerning asbestos demolition and renovation activity performed at various sites in Cook and Kankakee Counties. The stipulation and

settlement agreement is incorporated by reference as though fully set forth herein.

2. Respondent shall pay the sum of \$8,000 within 30 days of the date of this order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois. The case number, case name, and respondent's federal employer identification number (36-3880284) shall be included on the check or money order. The check or money order also must clearly indicate that payment is directed to the Environmental Protection Trust Fund.

3. The check or money order shall be sent by first class mail to:

Illinois Environmental Protection Agency
Fiscal Services Section
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

A copy of the payment transmittal and check or money order shall be simultaneously submitted to:

Maria M. Menotti
Assistant Attorney General
Environmental Bureau
100 West Randolph Street
Chicago, Illinois 60601

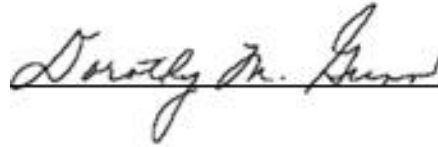
4. Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003 (1998)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

5. Respondent shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) 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 172 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 order was adopted on the 2nd day of March 2000 by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board