

ILLINOIS POLLUTION CONTROL BOARD
June 15, 1995

PEOPLE OF THE STATE)	
OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 94-125
)	(Enforcement-Air)
BELOIT CORPORATION, a)	
Delaware corporation, and)	
ALL STATES ASBESTOS)	
PROFESSIONALS, a Wisconsin)	
corporation,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by E. Dunham):

This matter comes before the Board upon a three-count complaint filed April 19, 1994, by the Illinois Attorney General on behalf of the Illinois Environmental Protection Agency, and the People of the State of Illinois, against Beloit Corporation, a Delaware corporation and All States Asbestos Professionals, a Wisconsin corporation.

The complaint alleges that Beloit Corporation (Beloit), a Delaware corporation and All States Asbestos Professionals (All States), a Wisconsin corporation 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, violation of asbestos emission control procedures, and violation of asbestos disposal standards at Beloit's site located at 1165 Prairie Hill Road, Rockton, Winnebago County, Illinois.

In its April 25, 1995, Motion for Extension of Stay, complainant indicated that the settlement agreement sent to All States was returned by the United States Post Office as undeliverable and a further search failed to locate All States. The Board will not hold open this docket while complainant continues to search for All States. The Board dismisses the complaint without prejudice against All States. The complainant is free to file a new complaint against All States when respondent is located.

On May 16, 1995, the complainant and Beloit filed a stipulation and proposal for settlement as to Beloit only, accompanied by a request for relief from the requirements of Section 31(a)(1) of the Act that proposed stipulated settlements

be presented at public hearing. (415 ILCS 5/31(a)(1) (1992).) The Board published a notice of the waiver on May 24, 1995; no objection to granting of the waiver was received. Waiver of hearing is hereby granted as to Beloit only. The stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Beloit denies the alleged violations and agrees to pay a civil penalty of three thousand dollars (\$3,000.00).

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects respondent'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, as to Beloit only.

ORDER

- 1) The Board hereby accepts the Stipulation and Settlement Agreement executed by the People of the State of Illinois and Beloit, concerning Beloit's facility located at 1165 Prairie Hill Road, Rockton, Winnebago County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) Beloit shall pay the sum of three thousand dollars (\$3,000.00) within thirty (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, 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, Beloit's Federal Employer Identification Number 39-0159010 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

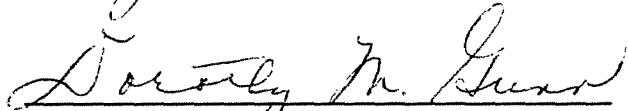
pendency of an appeal during which payment of the penalty has been stayed.

- 3) Beloit shall cease and desist from the alleged violations.
- 4) The complaint against All States Asbestos Professionals is dismissed without prejudice.

IT IS SO ORDERED.

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 15th day of June, 1995, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board