

ILLINOIS POLLUTION CONTROL BOARD
January 7, 1999

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 97-203
) (Enforcement - Land)
SPIRICO ENVIRONMENTAL, INC., a)
Missouri corporation,)
)
Respondent.)

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

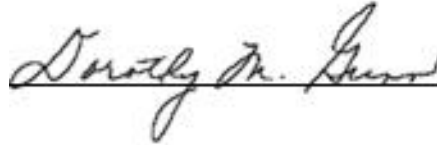
After a September 29, 1998 hearing was held on this matter, complainant filed a post hearing brief (Comp. Br.) on November 12, 1998. On December 18, 1998, complainant filed a "Motion to Revise Complainant's Reply Brief" (Mot.) in order to correct "Complainant's Reply Brief" filed on December 17, 1998 (Reply Br.).

The federal government imposed a \$70,000 fine on respondent in August 1996, for violations of the federal asbestos National Emission Standard for Hazardous Air Pollutants in Missouri. Comp. Br. at 10; Reply Br. at 3. In the reply brief, complainant states that the \$70,000 fine was insufficient to deter respondent from committing further violations of State and federal asbestos laws in Illinois. Reply Br. at 4; Mot. at 1. The alleged further violations in Illinois occurred on or before January 10, 1996. Mot. at 1. Complainant states that logic employed in this instance is incorrect. *Id.* The August 1996 fine could not have deterred respondent from the alleged violations on or before January 10, 1996, because the fine had not yet been imposed. *Id.*

Complainant has contacted respondent regarding this motion. Mot. at 2. Respondent has not objected to this motion. The Board finds that respondent will not be prejudiced by the revision of the complainant's reply brief. The Board grants the motion and strikes the reference in the reply brief regarding the August 1996 fine of \$70,000.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 7th day of January 1999 by a vote of 5-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board