

ILLINOIS POLLUTION CONTROL BOARD
August 15, 1996

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	
)	PCB 96-267
ATLAS DISMANTLING CORPORATION,)	(Enforcement - Air)
an Illinois corporation, and CARY)	
CORNERS PARTNERSHIP, an Illinois)	
general partnership,)	
)	
Respondents.)	

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

This matter comes before the Board upon a one-count complaint filed June 28, 1996, 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 Atlas Dismantling Corporation (Atlas), an Illinois corporation located at 71 Laverne, Hillside, Illinois and Cary Corners Partnership (Cary Corners) located at 1564 West Algonquin Road, Hoffman Estates, Illinois regarding Cary Corners site located at 300-380 Northwest Highway, Cary, McHenry County, Illinois. The complaint alleges that respondents have violated Section 9.1(d) of the Illinois Environmental Protection Act (Act), (415 ILCS 5/9.1(d) (1994)) by failing to properly provide notification of asbestos demolition.

Pursuant to 415 ILCS 5/31(a)(2), the parties filed a joint motion requesting relief from the Act's hearing requirement on June 28, 1996. The Board published a notice of the waiver on July 11, 1996; no objection to the granting of the waiver was received. Waiver of hearing is hereby granted.

The parties filed separate Stipulation and Settlement Agreements for each respondent on June 28, 1996. The Stipulations sets forth facts relating to the nature, operations, and circumstances surrounding the claimed violations. Atlas admits the alleged violation and agrees to pay a civil penalty of one thousand five hundred dollars (\$1,500.00). Cary Corners denies the alleged violation but agrees to pay a civil penalty of five thousand two hundred dollars (\$5,200.00).

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 Agreements executed by the People of the State of Illinois and against Atlas Dismantling Corporation (Atlas), an Illinois corporation located at 71 Laverne, Hillside, Illinois and Cary Corners Partnership (Cary Corners) located at 1564 West Algonquin Road, Hoffman Estates, Illinois regarding Cary Corners site located at 300-380 Northwest Highway, Cary, McHenry County, Illinois. The Stipulation and Settlement Agreements are incorporated by reference as though fully set forth herein.
- 2) Atlas shall pay a total sum of one thousand five hundred dollars (\$1,500.00). Payment shall be made pursuant to the following schedule:
 - a. \$300.00 within thirty (30) days from the date of this order; and
 - b. \$300.00 every thirty (30) days thereafter until payment is made in full.

Such payments 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

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

Thomas S. Gozdziaik
Assistant Attorney General
Environmental Bureau
100 West Randolph Street, 11th Floor
Chicago, Illinois 60601

The certified check or money order shall clearly indicate on its face Respondent's Federal Employer Identification Number, "Payment from Atlas Dismantling Corporation - DLC File #353-95", this case # PCB 96-267, and that payment is directed to the Environmental Protection Trust Fund.

- 3) Respondent, Cary Corners shall pay the sum of five thousand two hundred dollars (\$5,200.00) 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, 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

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

Thomas S. Gozdzik
Assistant Attorney General
Environmental Bureau
100 West Randolph Street, 11th Floor
Chicago, Illinois 60601

The certified check or money order shall clearly indicate on its face Respondent's Federal Employer Identification Number, "Payment from Cary Corners Partnership - DLC File #353-95", this case # PCB 96-267, 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.

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

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (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 ____ day of _____, 1996, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board