

ILLINOIS POLLUTION CONTROL BOARD
February 6, 1997

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 96-130
)	(Enforcement - Air)
)	
PARCO ASBESTOS REMOVAL CO.)	
INC., an Illinois Corporation,)	
)	
Respondent.)	

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

This matter comes before the Board on a two-count complaint filed December 18, 1995, 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 Parco Asbestos Removal Co. Inc. (Parco), an Illinois Corporation located at P.O. Box 852, in the City of Arlington Heights, Cook County, Illinois. The complaint alleges that Parco has violated Section 9.1(d)(1) of the Illinois Environmental Protection Act (Act) and 40 CFR 61.145(b)(4) and (b)(3)(i)¹.

Pursuant to 415 ILCS 5/31(a)(2), the parties filed a joint motion requesting relief from the Act's hearing requirement on October 4, 1996. The Board published a notice of the waiver on January 6, 1997; no objection to grant of the waiver was received. Waiver of hearing is hereby granted.

The parties filed a stipulation and settlement agreement on December 30, 1996. The stipulation sets forth the facts relating to the nature, operations and circumstances surrounding the claimed violations. Parco neither admits nor denies the alleged violations and agrees to pay a civil penalty of four thousand dollars (\$4,000.00).

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 finding of fact and conclusions of law in this matter.

¹ While the Board does not generally enforce the provisions of the Code of Federal Regulations, Section 9.1(d)(1) of the Act authorizes enforcement of Sections 111, 112, 165 and 173 of the Clean Air Act and the regulations adopted pursuant thereto.

ORDER

- 1) The Board hereby accepts the stipulation and settlement agreement executed by the People of the State of Illinois and Parco Asbestos Removal Co. Inc., concerning its facility located in Cook County, Illinois. The stipulation and settlement agreement are incorporated by reference as thoroughly set forth herein.
- 2) Parco shall pay the sum of four thousand dollars (\$4,000.00) 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 Illinois 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 Parco's Federal Employer Identification Number or Social Security Number, 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 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) Parco 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 _____, 1997, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board