

ILLINOIS POLLUTION CONTROL BOARD

June 6, 2002

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 02-120
) (Enforcement – Air)
ENTLER EXCAVATING COMPANY, an)
Illinois corporation,)
)
Respondent.)

ORDER OF THE BOARD (by N.J. Melas)

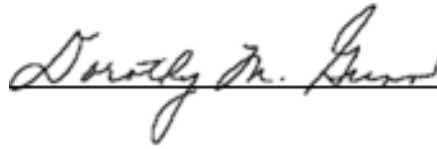
On March 6, 2002, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Entler Excavating Company (Entler). *See* 415 ILCS 5/31(c)(1) (2000); 35 Ill. Adm. Code 103.204. The People allege that Entler violated Sections 9(a) and 9.1(d) of the Environmental Protection Act (Act) (415 ILCS 5/9(a) and 5/9.1(d) (2000)), Section 201.141 of the Board's regulations (35 Ill. Adm. Code 201.141), and Sections 61.145(c), 61.150(a), and 61.150(b) of the National Emissions Standards for Hazardous Air Pollutants for asbestos (40 C.F.R. 61.145(c), 61.150(a), 61.150(b)). The People further allege that Entler violated these provisions by causing air pollution, failing to properly contain asbestos-containing material (ACM) in uncovered trucks, failing to properly mark trucks hauling away ACM, failing to keep temperature records, and failing to have an on-site representative during demolition. The complaint concerns Entler's demolition project at 540 Cerro Gordo, Decatur, Macon County.

On May 14, 2002, the People and Entler filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2000)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Entler agrees to pay a civil penalty of \$15,000.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. 415 ILCS 5/31(c)(2) (2000); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 6, 2002, by a vote of 7-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a solid horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board