

ILLINOIS POLLUTION CONTROL BOARD
April 17, 1997

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 94-288
) (Enforcement - Air)
GRAYSLAKE GELATIN COMPANY, an)
Illinois corporation; BLIDCO, INC., an)
Illinois corporation; ACME)
CONSTRUCTION COMPANY, INC., an)
Illinois corporation; and DIVERSIFIED)
ABATEMENT CONTRACTORS, INC., an)
Illinois corporation,)
)
Respondents.)

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

On October 11, 1994, the Illinois Attorney General, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, filed a six-count complaint against Grayslake Gelatin Company, Blidco, Inc. and Acme Construction Co., Inc., all located at 40 Railroad Avenue, Grayslake, Lake County, Illinois, and Diversified Abatement Contractors, Inc., located at 1616 Belvidere Road, Waukegan, Lake County, Illinois (respondents). The complaint alleges that respondents violated Sections 9.1(d), 9(a) and (c) and 21(a) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/9.1(d), 9(a) and (c) and 21(a) (1994)), Board regulations at 35 Ill. Adm. Code 201.141 and 237.102(a) and National Emission Standards for Hazardous Air Pollutants (NESHAPs) regulations at 40 CFR 61.145(b) and (c) and 61.150(a) and (b) by failing to provide notification of a renovation activity, by improperly removing regulated asbestos containing materials (RACM), by improperly handling and disposing of RACM, by causing, threatening or allowing the discharge or emission of a hazardous air pollutant into the environment and by the open burning and open dumping of asbestos.

Pursuant to 415 ILCS 5/31(c)(2) (P.A. 89-596, eff. August 1, 1996), the Illinois Attorney General filed a motion requesting relief from the Act's hearing requirement on March 11, 1997. The Board published a notice of the requested waiver on March 15, 1997. No objection to granting the waiver was received. Waiver of hearing is hereby granted.

A Stipulation and Proposal for Settlement (Settlement Agreement) was filed on March 11, 1997. The Board notes that Diversified Abatement Contractors, Inc. is not a party to the Settlement Agreement. The Settlement Agreement sets forth facts relating to the nature of and operations and circumstances surrounding the claimed violations. The settling respondents

neither admit nor deny the alleged violations and agree to pay a total civil penalty of twenty-five thousand dollars (\$25,000.00). The Board finds the Settlement Agreement acceptable under 35 Ill. Adm. Code 103.180.

The Office of the Illinois Attorney General is directed to notify the Board within thirty (30) days of the date of this opinion and order whether it will proceed against or seek dismissal of Diversified Abatement Contractors, Inc. in this matter.

The Settlement Agreement in no way affects the responsibilities of the settling respondents 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 Proposal for Settlement (Settlement Agreement) executed by the People of the State of Illinois and Grayslake Gelatin Company, Blidco, Inc. and Acme Construction Co., Inc. (settling respondents), all located at 40 Railroad Avenue, Grayslake, Lake County, Illinois. The Settlement Agreement is incorporated by reference as though fully set forth herein.
- 2) The settling respondents shall pay the total sum of twenty-five thousand dollars (\$25,000.00). Payment shall be made pursuant to the following schedule:
 - a. Grayslake Gelatin Company and Blidco, Inc. shall pay a collective civil penalty of twenty thousand dollars (\$20,000.00) within thirty (30) days from the date of this order;
 - b. Acme Construction Co., Inc. shall pay a civil penalty of two thousand five hundred dollars (\$2,500.00) within thirty (30) days of the date of this order; and
 - c. Acme Construction Co., Inc. shall pay an additional civil penalty of two thousand five hundred dollars (\$2,500.00) within ninety (90) 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 the case name and number, along with the settling respondents' Federal Employer Identification Numbers (36-1154450 (Grayslake Gelatin Company), 36-3481065 (Acme Construction Co., Inc.), 36-3607241 (Blidco, Inc.)) or Social Security Numbers (347-22-5916 (Blidco, Inc.)).

Any such penalty not paid within the time prescribed shall accrue interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act (35 ILCS 5/1003(a) (1994)), as now or hereafter amended, from the date payment is due until the date payment is received. If the time for payment is stayed during the pendency of an appeal, interest shall not accrue during such stay.

- 3) The settling respondents shall cease and desist from the alleged violations.
- 4) The Office of the Illinois Attorney General shall notify the Board within thirty (30) days of the date of this order whether it will proceed against or seek dismissal of Diversified Abatement Contractors, Inc. in this matter.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this opinion and 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