

OCT - 4 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.)
)
NORTH ROCKWELL, LLC, an Illinois)
limited liability company,)
)
Respondent.)

PCB No. 05-63
(Enforcement - Air)

NOTICE OF FILING

To: See Attached Service List.

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board Complainant's Complaint for Civil Penalties, a copy of which is herewith served upon you.

Failure to file an answer to this complaint within 60 days may have severe consequences. Failure to answer will mean that all allegations in the complaint will be taken as if admitted for purposes of this proceeding. If you have any questions about this procedure, you should contact the hearing officer assigned to this proceeding, the Clerk's Office, or an attorney.

LISA MADIGAN
Attorney General
State of Illinois


JENNIFER A. TOMAS

October 4, 2004

Jennifer A. Tomas
Assistant Attorney General
Environmental Bureau
188 W. Randolph Street, 20th Fl.
Chicago, Illinois 60601
(312) 814-0609

SERVICE LIST

North Rockwell, LLC
c/o Gary L. Plotnick, Agent
222 North LaSalle Street, #1910
Chicago, Illinois 60601

David Ballinger
Horwood, Marcus & Berk
180 North LaSalle Street, Suite 3700
Chicago, Illinois 60601

Chris Pressnall
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

RECEIVED
CLERK'S OFFICE

OCT - 4 2004

STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.)
)
NORTH ROCKWELL, LLC, an Illinois)
limited liability company,)
)
Respondent.)

PCB No. 05-63
(Enforcement - Air)

COMPLAINT FOR CIVIL PENALTIES

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency, complains of the Respondent, NORTH ROCKWELL, LLC, an Illinois limited liability company, as follows:

COUNT I
AIR POLLUTION

1. This count is brought on behalf of the People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA") pursuant to Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2002).

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2002), and is charged, *inter alia*, with the duty of enforcing the Act.

3. At all times relevant to this Complaint, North Rockwell, LLC ("North Rockwell") was and is an Illinois limited liability company registered in good standing with the Illinois Secretary of State's Office.

4. North Rockwell is the owner of a former print shop located at 2609 West Belmont, Chicago, Cook County, Illinois ("Site").

5. On June 6, 2003, the City of Chicago, Department of the Environment ("DOE") observed three (3) 1.5 yard garbage dumpsters full of suspect thermal system insulation ("TSI") possibly containing regulated asbestos-containing material ("RACM") in a secured area at the Site.

6. On June 11, 2003, the Illinois EPA, pursuant to information provided by the DOE, observed that the lock securing the garbage dumpster area had been cut and that only two (2) 1.5 yard garbage dumpsters of suspect material remained at the Site. Two samples of dry, friable, suspect TSI were obtained from this area; one from inside a dumpster and two from inside garbage bags within the dumpster. The sample taken from inside the dumpster and one of the samples taken from the garbage bag within the dumpster tested positive for 2% chrysotile asbestos. The two (2) 1.5 yard dumpsters contained approximately 150 cubic feet of RACM.

7. On June 11, 2003, there was suspect TSI and aluminum sleeves that hold TSI along the east side of the building located at the Site. A sample of dry, friable suspect TSI located on the ground near the center of the north wall tested positive for 2% chrysotile asbestos. Another sample of suspect debris taken from a sink on the center of the north wall tested positive for 25% chrysotile asbestos.

8. Section 9(a) of the Act, 415 ILCS 5/9(a) (2002), provides as follows:

No person shall:

- (a) Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act;

9. Section 201.141 of the Illinois Pollution Control Board ("Board") Air Pollution Regulations, 35 Ill. Adm. Code 201.141, provides as follows:

No person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as, either alone or in combination with contaminants from other sources, to cause or tend to cause air pollution in Illinois, or so as to violate the provisions of this Chapter, or so as to prevent the attainment or maintenance of any applicable ambient air quality standard.

10. Section 3.115 of the Act, 415 ILCS 5/3.115 (2002), provides the following definition:

"AIR POLLUTION" is the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

11. Section 3.165 of the Act, 415 ILCS 5/3.165 (2002), provides the following definition:

"CONTAMINANT" is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

12. Asbestos is a "contaminant" as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2002).

13. Section 3.315 of the Act, 415 ILCS 5/3.315 (2002), provides the following definition:

"PERSON" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.

14. North Rockwell is a limited liability company and therefore a "person" as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2002).

15. Respondent has caused and allowed the mishandling of dry, friable suspect TSI located on the ground near the center of the north wall testing positive for 2% chrysotile asbestos and of suspect debris taken from a sink on the center of the north wall testing positive for 25% chrysotile asbestos, so as

to cause or allow asbestos fibers to enter the environment at, and in the area of, the Site.

16. By removing TSI containing asbestos without wetting and containing it at the Site, the Respondent has caused, threatened, or allowed air pollution in Illinois in violation of Section 9(a) of the Act, 415 ILCS 5/9(a) (2002), and Section 201.141 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.141.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, NORTH ROCKWELL, LLC, for the following relief:

1. Authorize a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Find that Respondent has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (2002), and Section 201.141 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.141;
3. Order Respondent to cease and desist from any further violations of Section 9(a) of the Act, 415 ILCS 5/9(a) (2002), and Section 201.141 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.141;
4. Assess against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and Board regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Order the Respondent to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f)(2002), including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

6. Grant such other relief as the Board deems appropriate and just.

COUNT II
VIOLATION OF ASBESTOS EMISSION CONTROL PROCEDURES

1-9. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 7 and paragraphs 13 and 14 of Count I as paragraphs 1 through 9 of this Count II.

10. Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1)(2002), provides as follows:

(d) No person shall:

(1) violate any provisions of Sections 111, 112, 165 or 173 of the Clean Air Act, as now or hereafter amended, or federal regulations adopted pursuant thereto;

11. Section 112 of the Clean Air Act, 42 U.S.C. § 7412, provides in pertinent part as follows:

(d) Emission standards

(1) In general

The Administrator shall promulgate regulations establishing emission standards for each category or subcategory of major sources and area sources of hazardous air pollutants listed for regulation...

12. Pursuant to Section 112 of the CAA, as amended, the USEPA has adopted national emission standards for hazardous air pollutants ("NESHAP"), including asbestos, 40 C.F.R. 61, Subpart M.

13. 40 C.F.R. 61.141 (July 30, 2004), provides in pertinent part as follows:

All terms that are used in this subpart and are not defined below are given the same meaning as in the Act and in Subpart A of this part.

Adequately wet means sufficiently mix or penetrate with liquid to prevent the release of particulates. If visible emissions are observed coming from asbestos-containing material, then that material has not been adequately wetted. However, the absence of visible emissions is not sufficient evidence of being adequately wet.

Asbestos means the asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, anthophyllite, and actinolite-tremolite.

Asbestos-containing waste materials means mill tailings or any waste that contains commercial asbestos and is generated by a source subject to the provisions of this subpart. This term includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with commercial asbestos. As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing.

Category I nonfriable asbestos-containing material (ACM) means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E,

40 CFR part 763, section 1, Polarized Light Microscopy.

Category II nonfriable ACM means any material, excluding Category I nonfriable ACM, containing more than 1 percent asbestos as determined using the methods specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

Commercial asbestos means any material containing asbestos that is extracted from ore and has value because of its asbestos content.

Cutting means to penetrate with a sharp-edged instrument and includes sawing, but does not include shearing, slicing, or punching.

Demolition means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.

Facility means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.

Facility component means any part of a facility including equipment.

Friable asbestos material means any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763 section 1, Polarized Light Microscopy, that, when dry, can be crumbled, pulverized, or

reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.

Glove bag means a sealed compartment with attached inner gloves used for the handling of asbestos-containing materials. Properly installed and used, glove bags provide a small work area enclosure typically used for small-scale asbestos stripping operations. Information on glove-bag installation, equipment and supplies, and work practices is contained in the Occupational Safety and Health Administration's (OSHA's) final rule on occupational exposure to asbestos (appendix G to 29 CFR 1926.58).

Grinding means to reduce to powder or small fragments and includes mechanical chipping or drilling.

Leak-tight means that solids or liquids cannot escape or spill out. It also means dust-tight.

Nonfriable asbestos-containing material means any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy, that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

Nonscheduled renovation operation means a renovation operation necessitated by the routine failure of equipment, which is expected to occur within a given period based on past operating experience, but for which an exact date cannot be predicted.

Outside air means the air outside buildings and structures, including, but not limited to, the air under a bridge or in an open air ferry dock.

Owner or operator of a demolition or renovation activity means any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both.

Planned renovation operations means a renovation operation, or a number of such operations, in which some RACM will be removed or stripped within a given period of time and that can be predicted. Individual nonscheduled operations are included if a number of such operations can be predicted to occur during a given period of time based on operating experience.

Regulated asbestos-containing material (RACM) means (a) Friable asbestos material, (b) Category I nonfriable ACM that has become friable, (c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or (d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this subpart.

Remove means to take out RACM or facility components that contain or are covered with RACM from any facility.

Renovation means altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

Strip means to take off RACM from any part of a facility or facility components.

Structural member means any load-supporting member of a facility, such as beams and load supporting walls; or any nonload-supporting member, such as ceilings and nonload-supporting walls.

Visible emissions means any emissions, which are visually detectable without the aid of instruments, coming from RACM or asbestos-containing waste material, or from any asbestos milling, manufacturing, or fabricating operation. This does not include condensed, uncombined water vapor.

Waste generator means any owner or operator of a source covered by this subpart whose act or process

produces asbestos-containing waste material.

Working day means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

14. As a commercial building, the Site is a "facility" as that term is defined in 40 C.F.R. 61.141 (July 30, 2004).

15. TSI at the Site is a "facility component" as that term is defined in 40 C.F.R. 61.141 (July 30, 2004).

16. The removal of TSI was a "renovation" of the building on the Site as that term is defined in 40 C.F.R. 61.141 (July 30, 2004).

17. At all times relevant to this Complaint, North Rockwell owned the Site, including the TSI located in the building thereon, and supervised the renovation of the building. North Rockwell was therefore the "owner or operator of a renovation activity" as that term is defined in 40 C.F.R. 61.141 (July 30, 2004).

18. The TSI removed at the Site was dry and friable and contained more than one (1) percent asbestos and was therefore "RACM" as that term is defined in 40 C.F.R. 61.141 (July 30, 2004.)

19. 40 C.F.R. 61.145(a) (July 30, 2004), titled, Standard for Demolition and Renovation: Applicability, provides in pertinent part as follows:

To determine which requirements of paragraphs (a), (b), and (c) of this section apply to the owner or operator of a demolition or renovation activity and prior to the commencement of the demolition or renovation, thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable ACM. The requirements of paragraphs (b) and (c) of this section apply to each owner or operator of a demolition or renovation activity, including the removal of RACM as follows:

* * *

(4) In a facility being renovated, including any individual nonscheduled renovation operation, all the requirements of paragraphs (b) and (c) of this section apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is

(ii) At least 1 cubic meter (35 cubic feet) off facility components where the length or area could not be measured previously.

20. Respondent failed to thoroughly inspect the Site for the presence of asbestos prior to the commencement of renovation activities.

21. Respondent's failure to inspect the Site for the presence of asbestos violates 40 C.F.R. 61.145(a) (July 30, 2004).

22. The total amount of RACM removed at the Site was approximately 120 cubic feet, far exceeding the threshold listed in 40 C.F.R. 61.145(a) (4) (ii) (July 30, 2004). Respondent is

therefore subject to the requirements of 40 C.F.R. 61.145(b) and (c) (July 30, 2004).

23. 40 C.F.R. 61.145(c) (July 30, 2004), titled, Standard for Demolition and Renovation: Procedures for asbestos emission control, provides in pertinent part as follows:

Each owner or operator of a demolition or renovation activity to whom this paragraph applies, according to paragraph (a) of this section, shall comply with the following procedures:

- (1) Remove all RACM from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal.

* * *

- (6) For all RACM, including material that has been removed or stripped:
 - (i) Adequately wet the material and ensure that it remains wet until collected and contained or treated in preparation for disposal in accordance with § 61.150;

24. Respondent failed to remove all RACM from the Site prior to the commencement of renovation work. On at least June 6, 2003, Respondent's renovation work broke up and disturbed RACM, causing dry, friable asbestos to be emitted into the environment.

25. Respondent failed to adequately wet and maintain wet all RACM and asbestos-containing waste material ("ACWM") until collected and contained in preparation for disposal.

26. Respondent, by its actions as alleged herein, violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1)(2002), and 40 C.F.R. 61.145(a) and 40 C.F.R. 61.145(c)(1) and (6) (July 30, 2004) of the asbestos NESHAP.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, NORTH ROCKWELL, LLC, for the following relief:

1. Authorize a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Find that Respondent has violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1)(2002), and 40 C.F.R. 61.145(a) and 40 C.F.R. 61.145(c)(1) and (6) (July 30, 2004) of the asbestos NESHAP;
3. Order Respondent to cease and desist from any further violations of Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1)(2002), and 40 C.F.R. 61.145(a) and 40 C.F.R. 61.145(c)(1) and (6) (July 30, 2004) of the asbestos NESHAP;
4. Assess against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and Board regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Order the Respondent to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f)(2002), including

attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

6. Grant such other relief as the Board deems appropriate and just.

COUNT III

FAILURE TO FOLLOW NESHAP RENOVATION NOTIFICATION REQUIREMENT

1-9. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 7 and paragraphs 13 and 14 of Count I as paragraphs 1 through 9 of this Count III.

10. 40 C.F.R. 61.145 (July 30, 2004), titled, Standard for Demolition and Renovation, provides in pertinent part as follows:

(a) Applicability . . . The requirements of paragraphs (b) and (c) of this section apply to each owner or operator of a demolition or renovation activity, including the removal of RACM as follows:

* * *

(4) In a facility being renovated, including any individual nonscheduled renovation operation, all the requirements of paragraphs (b) and (c) of this section apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is

(ii) At least 1 cubic meter (35 cubic feet) off facility components where the length or area could not be measured previously.

* * *

(b) Notification requirements. Each owner or operator of a demolition or renovation activity to which this section applies shall:

(1) Provide the Administrator with written notice of intention to demolish or renovate.

* * *

(3) Postmark or deliver the notice as follows:

(i) At least 10 working days before asbestos stripping or removal work or any other activity begins (such as site preparation that would break up, dislodge or similarly disturb asbestos material,...

11. As owner or operator of a renovation activity which disturbed approximately 120 cubic feet of RACM, Respondent was required to submit a notice of intention to renovate at least ten (10) working days prior to the commencement of renovation activities on the building at the Site.

12. Respondent failed to submit a notice of intention to renovate within the proscribed time period, therefore Respondent violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1)(2002) and 40 C.F.R. 61.145(b)(1) and (3)(July 30, 2004) of the asbestos NESHAP.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, NORTH ROCKWELL, LLC, for the following relief:

1. Authorize a hearing in this matter at which time Respondent will be required to answer the allegations herein;

2. Find that Respondent has violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1)(2002), and 40 C.F.R. 61.145(b)(1) and (3)(July 30, 2004) of the asbestos NESHAP;

3. Order Respondent to cease and desist from any further violations of Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1)(2002), and 40 C.F.R. 61.145(b)(1) and (3)(July 30, 2004) of the asbestos NESHAP;

4. Assess against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and Board regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;

5. Order the Respondent to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f)(2002), including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

6. Grant such other relief as the Board deems appropriate and just.

COUNT IV
IMPROPER DISPOSAL

1-22. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 22 of Count II as paragraphs 1 through 22 of this Count IV.

23. The TSI removed at the Site was "asbestos-containing waste material" as that term is defined in 40 C.F.R. 61.141 (July 30, 2004).

24. Respondent was a "waste generator" as that term is defined in 40 C.F.R. 61.141 (July 30, 2004).

25. 40 C.F.R. 61.150(b) (July 30, 2004), titled, Standard for waste disposal for manufacturing, fabricating, demolition, renovation, and spraying operations, provides in pertinent part as follows:

Each owner or operator of any source covered under the provisions of §§ 61.144, 61.145, 61.146 and 61.147 shall comply with the following provisions:

(b) All asbestos-containing waste material shall be deposited as soon as is practical by the waste generator at:

(1) A waste disposal site operated in accordance with the provisions of § 61.154...

26. As owner or operator of a renovation activity at a facility disturbing approximately 120 cubic feet of RACM, Respondent is subject to the requirements of 40 C.F.R. 61.145 (July 30, 2004), and is therefore also subject to the requirements of 40 C.F.R. 61.150 (July 30, 2004).

27. From at least June 6, 2003, Respondent caused or allowed the generation of ACWM at the Site and failed to deposit it, as soon as practical, in a waste disposal site permitted to accept such waste.

28. Respondent, by its actions as alleged herein, violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1)(2002), and 40 C.F.R. 61.150(b)(1)(July 30, 2004) of the asbestos NESHAP.

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against Respondent, NORTH ROCKWELL, LLC, for the following relief:

1. Authorize a hearing in this matter at which time Respondent will be required to answer the allegations herein;
2. Find that Respondent has violated Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1)(2002), and 40 C.F.R. 61.150(b)(1)(July 30, 2004) of the asbestos NESHAP;
3. Order Respondent to cease and desist from any further violations of Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1)(2002), and 40 C.F.R. 61.150(b)(1)(July 30, 2004) of the asbestos NESHAP;
4. Assess against the Respondent a civil penalty of Fifty Thousand Dollars (\$50,000.00) for each violation of the Act and Board regulations, and an additional civil penalty of Ten Thousand Dollars (\$10,000.00) for each day of violation;
5. Order the Respondent to pay all costs, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f)(2002), including attorney, expert witness and consultant fees expended by the State in its pursuit of this action; and

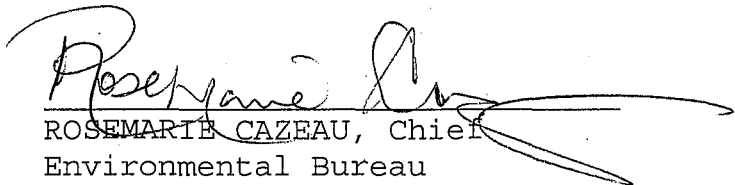
6. Grant such other relief as the Board deems appropriate and just.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
by LISA MADIGAN, Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

By:


ROSEMARIE CAZEAU, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel:

Jennifer A. Tomas
Assistant Attorney General
Environmental Bureau
188 W. Randolph Street, Suite 2001
Chicago, Illinois 60601
(312) 814-0609

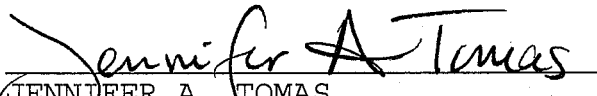
CERTIFICATE OF SERVICE

I, the undersigned, certify that I have served the attached Complaint for Civil Penalties, by U.S. Certified Mail (return receipt requested), upon the following persons:

North Rockwell, LLC
c/o Gary L. Plotnick, Agent
222 North LaSalle Street, #1910
Chicago, Illinois 60601

David Ballinger
Horwood, Marcus & Berk
180 North LaSalle Street, Suite 3700
Chicago, Illinois 60601

Chris Pressnall
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276


JENNIFER A. TOMAS
Assistant Attorney General
Environmental Bureau
188 W. Randolph Street, 20th Fl.
Chicago, Illinois 60601
(312) 814-0609