## ILLINOIS POLLUTION CONTROL BOARD November 17, 2005

PEOPLE OF THE STATE OF ILLINOIS,	)
Complainant,	) )
v.	) PCB 05-103
MARC REALTY, INC., an Illinois corporation, and 55 EAST JACKSON, LLC, a Delaware limited liability corporation,,	(Enforcement - Air) )
Respondent.	)

ORDER OF THE BOARD (by J.P. Novak):

On November 30, 2004, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Marc Realty, Inc. and 55 East Jackson, LLC (respondents). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. The People allege that the respondents violated Section 9(a) and 9.1(d) of the Environmental Protection Act (Act) (415 ILCS 5/9(a) and 9.1(d) (2004)); 35 Ill. Adm. Code 201.141; and 40 C.F.R. 61.145(c)(1) and (c)(6) and 61.150(b)(1). The People further allege that the respondents violated these provisions by (1) causing or allowing the emission of asbestos; and (2) failing to comply with the national emission standards for hazardous air pollutants for asbestos. The complaint concerns the respondents' renovation of the fifteenth floor of a sixteen story office building at 55 East Jackson Street, in Chicago, Cook County.<sup>1</sup>

On November 14, 2005, the People and the respondents 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) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)). See 35 III. Adm. Code 103.300(a). Under the proposed stipulation, the respondents neither admit nor deny the alleged violations but agree 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

<sup>&</sup>lt;sup>1</sup> Prior violations were the subject of a previous enforcement action in <u>People of the State of Illinois v. Marc Realty, Inc., 11 East Adams, LLC, and Roberts Environmental Control, Inc., PCB 04-100 (July 22, 2004 and June 16, 2005) (accepting two separate stipulations between the People and the first two listed respondents, and between the People and Roberts Environmental Control, Inc.).</u>

hearing. 415 ILCS 5/31(c)(2) (2004); 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 November 17, 2005, by a vote of 4-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board