

ILLINOIS POLLUTION CONTROL BOARD

November 5, 2008

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 09-26
)	(Enforcement - Air)
TRIPLE A ASBESTOS SERVICE, INC., an)	
Illinois corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by G.T. Girard):

On October 21, 2008, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a one-count complaint against Triple A Asbestos Service, Inc. (Triple A). The complaint concerns an asbestos abatement project at St. Mary’s Church and Parish, located at 1621 Tenth St. in Madison, Madison County. The parties now seek to settle without a hearing. For the reasons below, the Board accepts the complaint as meeting the content requirements of the Board’s procedural rules. *See* 35 Ill. Adm. Code 103.204. The Board further directs the Clerk to provide public notice of the parties’ stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2006)), the Attorney General and the State’s Attorneys may bring actions before the Board to enforce Illinois’ environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2006); 35 Ill. Adm. Code 103. In this case, the complaint alleges that Triple A violated Sections 9(a) and 9.1(d)(1) of the Act (415 ILCS 9(a), 9.1(d)(1) (2006)), Sections 61.145(c)(3) and (c)(6)(i) of the federal regulations on National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for asbestos (40 C.F.R. §§61.145(c)(3), (c)(6)(i)),¹ and Section 201.141 of the Board’s air pollution regulations (35 Ill. Adm. Code 201.141). The People further allege that Triple A violated these provisions (1) by failing to adequately wet and keep wet all regulated asbestos-containing material (RACM) removed during renovation operations until such asbestos-containing waste materials were collected and contained in leak-tight wrapping in preparation for disposal, and (2) by failing to maintain adequate containment of RACM, threatening the release of asbestos fibers into the environment. The Board accepts the complaint. *See* 35 Ill. Adm. Code 103.204.

On October 21, 2008, the People and Triple A also filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1)

¹ Section 9.1(d)(1) of the Act prohibits persons from violating any provisions of Section 111, 112, 165 or 173 of the federal Clean Air Act (CAA) or federal regulations adopted thereunder. 415 ILCS 5/9.1(d)(1) (2006). Under Section 112 of the CAA (42 U.S.C. §7412), the United States Environmental Protection Agency adopted NESHAP regulations for asbestos.

of the Act (415 ILCS 5/31(c)(1) (2006)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2006)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Triple A neither admits nor denies the alleged violations but agrees to pay a civil penalty of \$20,750.

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. *See* 415 ILCS 5/31(c)(2) (2006); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 5, 2008, by a vote of 4-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board