

the Buck's Building for the presence and location of asbestos-containing material (ACM) prior to commencing asbestos removal and failing to notify the Illinois EPA of scheduled asbestos removal activities at the Buck's Building, at least 10 working days prior to commencing such activities at the facility.

In Count III, the People allege that the Kings violated 40 C.F.R. 61.145(c)(1), (2), (6), and (8), and therefore Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2008), by failing to properly remove all RACM from the Buck's Building before commencing planned renovation activities (which broke up, dislodged and similarly disturbed the RACM), failing to adequately wet all RACM and prevent damage or disturbance to the RACM during cutting or disjoining operations at the Buck's Building, failing to adequately wet, and maintain wet, all RACM and regulated waste ACM at the Buck's Building until collected and contained in preparation for disposal at a site permitted to accept such waste, and failing to have at least one representative at the Buck's Building trained in the provisions of the national emission standards for hazardous air pollutants (NESHAP) for asbestos and the means of complying with them.

The People allege in Count IV that the Kings violated 40 C.F.R. 61.150(a)(1)(iii), (iv) and (v), 40 C.F.R. 61.150(b), and therefore Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2008) by failing to adequately wet and keep wet, containerize, and label all ACM removed from the Buck's Building, thereby causing or allowing the discharge of visible emissions to the outside air, and failing to transport all waste ACM to a waste disposal site, or Illinois Environmental Protection Agency-approved site that converts RACM and asbestos containing waste ACM into non-asbestos material, and deposit as soon as practical all waste ACM generated during asbestos removal activities at the Buck's Building.

On July 20, 2009, the People and the Kings 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) (2008)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2008)), 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, the Kings neither admit nor deny the alleged violations, but agree to pay a total civil penalty of \$70,000 on an agreed payment plan (\$30,000 within 30 days of Board approval of the stipulation, \$20,000 within 90 days, and the final \$20,000 within 120 days).

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) (2008); 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 July 23, 2009, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

John Therriault, Assistant Clerk
Illinois Pollution Control Board