

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>v.</b>	)	<b>PCB No.</b>
	)	
<b>PRAIRIELAND INVESTMENT GROUP, L.L.C.,</b>	)	
<b>an Illinois limited liability company, and</b>	)	
<b>KEVIN S. COOK, d/b/a KC Construction,</b>	)	
	)	
<b>Respondents.</b>	)	

**NOTICE OF ELECTRONIC FILING**

To: See Attached Service List

PLEASE TAKE NOTICE that on November 9, 2010, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, a COMPLAINT and ENTRY OF APPEARANCE, copies of which are attached hereto and 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 this 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.

FURTHER, please take notice that financing may be available, through the Illinois Environmental Facilities Financing Act, 20 ILCS 3515/1 (2008), to correct the pollution alleged in the Complaint filed in this case.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN,  
Attorney General of the  
State of Illinois

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

BY: 

RAYMOND J. CALLERY  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: November 9, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that I did on November 9, 2010, cause to be served by Certified Mail, Return Receipt Requested, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the following instruments entitled NOTICE OF ELECTRONIC FILING, COMPLAINT and ENTRY OF APPEARANCE upon the persons listed on the Service List.



RAYMOND J. CALLERY  
Assistant Attorney General

This filing is submitted on recycled paper.

**SERVICE LIST**

Prairieland Investment Group, L.L.C.  
c/o Joseph F. Connor, R.A.  
1622 State Highway 94  
Carthage, IL 62321

Kevin S. Cook  
d/b/a KC Construction  
212 Main Street  
Carthage, IL 62321

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
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<b>Complainant,</b>	)	
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<b>v.</b>	)	<b>PCB No.</b>
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<b>PRAIRIELAND INVESTMENT GROUP, L.L.C.,</b>	)	
<b>an Illinois limited liability company, and</b>	)	
<b>KEVIN S. COOK, d/b/a KC Construction,</b>	)	
	)	
<b>Respondent.</b>	)	

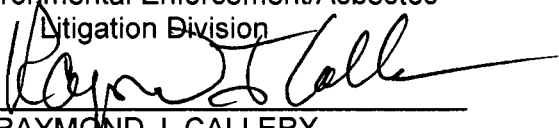
**ENTRY OF APPEARANCE**

On behalf of the Complainant, PEOPLE OF THE STATE OF ILLINOIS, RAYMOND J. CALLERY, Assistant Attorney General of the State of Illinois, hereby enters his appearance as attorney of record.

Respectfully submitted,

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

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

BY:   
 RAYMOND J. CALLERY  
 Environmental Bureau  
 Assistant Attorney General

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: November 9, 2010

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
<i>ex rel.</i> <b>LISA MADIGAN, Attorney General</b>	)	
<b>of the State of Illinois,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>-vs-</b>	)	<b>PCB No.</b>
	)	
<b>PRAIRIELAND INVESTMENT GROUP, L.L.C.,</b>	)	
<b>an Illinois limited liability company, and</b>	)	
<b>KEVIN S. COOK, d/b/a KC Construction,</b>	)	
	)	
<b>Respondents.</b>	)	
	)	

**COMPLAINT**

The PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, complains of the Respondents, PRAIRIELAND INVESTMENT GROUP, L.L.C., an Illinois limited liability company, and KEVIN S. COOK, d/b/a KC Construction, as follows:

**COUNT I**  
**ASBESTOS NESHAP VIOLATIONS-PRAIRIELAND**

1. This Complaint is brought by the Attorney General on her own motion, pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2008).
2. At all times pertinent to this complaint, PRAIRIELAND INVESTMENT GROUP, L.L.C. ("PRAIRIELAND"), was an Illinois limited liability company in good standing.
3. At all times pertinent to this complaint, KEVIN S. COOK, d/b/a KC Construction ("COOK") was a sole proprietorship.
4. Since approximately May 2007, PRAIRIELAND has been the owner of the former Robert Morris College property ("facility") located in the northeastern portion of the City of Carthage, Hancock County, Illinois.

5. In October, 2007 Hurst-Rosche Engineers, Inc. and Farmer Environmental Services provided to PRAIRIELAND an asbestos assessment of the buildings located at the facility. Pursuant to this assessment, the various types of asbestos-containing material ("ACM") located within each building was determined and the quantities of the ACM were measured.

6. The following ACM was determined to be located within Moser Hall: approximately 1,334 square feet of 12"x12" floor tile/mastic, approximately 1,501 square feet of 9"x9" floor tile/mastic, approximately 2,791 square feet of terrazzo flooring, and approximately 507 square feet of transite wall and ceiling material. Quantities of asbestos containing gasket material, window caulk, ceramic tile mastic, and drywall compound were also located at or within Moser Hall.

7. The following ACM was determined to be located within Heating Plant No. 1: approximately 76 lineal feet of pipe insulation material.

8. The following ACM was determined to be located within the Campus Cafeteria: approximately 6,014 square feet of 9"x9" floor tile/mastic and approximately 36 lineal feet of pipe insulation material. Quantities of window caulk were also located at the Campus Cafeteria.

9. The improper removal, handling, containment, and disposal of ACM and suspect ACM pose a substantial danger to the environment and the public health in that all threaten to cause air pollution. Asbestos is a hazardous material and known to cause cancer in humans. There is no known safe exposure level to asbestos.

10. COOK was employed by PRAIRIELAND to demolish Moser Hall, Heating Plant No. 1, and the Campus Cafeteria and to remove and dispose of demolition debris and waste located at the facility.

11. Beginning on or about December 23, 2008, COOK commenced demolition of Moser Hall, Heating Plant No. 1, and the Campus Cafeteria at the facility. Demolition activities

were conducted intermittently through March, 2009.

12. COOK demolished Moser Hall, Heating Plant No. 1, and the Campus Cafeteria by utilizing a backhoe to knock down each structure and to load a portion of the demolition debris into a fifth-wheel trailer. COOK transported some of the demolition debris to the Macomb Landfill. An addition amount of the demolition debris was left at the facility.

13. The demolition of Moser Hall, Heating Plant No. 1, and the Campus Cafeteria was initiated without removing the ACM and without notice to the Illinois Environmental Protection Agency ("Illinois EPA").

14. On March 26, 2009, the Illinois EPA inspected the facility. At that time, demolition activities had ceased. Two workers were loading scrap metal into a vehicle located on the cement foundation of the former Campus Cafeteria building. The foundation was covered with dry broken suspect asbestos-containing floor tile. Further, suspect asbestos-containing debris was present at numerous locations surrounding the foundation.

15. On March 26, 2009, the Illinois EPA took one bulk sample of dry, friable suspect asbestos-containing transite material from the roadway adjacent to the foundation of the former Campus Cafeteria building and one bulk sample of dry, friable suspect asbestos-containing pipe insulation material on metal piping located at the north side of the foundation.

16. On March 31, 2009, the Illinois EPA received from TEM, Incorporated the results of the analytical testing of the bulk samples collected on March 26, 2009. The sample of transite material contained concentrations of chrysotile asbestos in an amount ranging between 5% to 10%. The sample of pipe insulation material contained concentrations of chrysotile asbestos in an amount ranging between 5% to 7%.

17. On August 18, 2009, the Illinois EPA received a revised asbestos remediation design plan submitted on behalf of PRAIRIELAND. On August 28, 2009, the Illinois EPA



approved the remediation plan.

18. On May 6, 2010, the Illinois EPA received documentation that removal of all regulated asbestos-containing material ("RACM") and asbestos contamination at the facility had been completed.

19. Section 9.1(d) of the Act, 415 ILCS 5/9.1(d) (2008), provides, in pertinent part:

No person shall:

1. Violate any provision of Section 111, 112, 165, and 173 of the Clean Air Act, as now or hereafter amended, or federal regulations adopted pursuant thereto.

20. Pursuant to Section 112 of the Clean Air Act, 42 USC §7412, the U.S.

Environmental Protection Agency has adopted National Emission Standards for Hazardous Air Pollutants ("NESHAP"), including asbestos, 40 CFR 61, Subpart M ("Asbestos NESHAP Regulations"). Asbestos is regulated as a hazardous air pollutant because it is a carcinogen.

21. 40 CFR 61.141, provides, in pertinent part:

*Adequately wet* means sufficiently mix or penetrate with liquid to prevent the release of particulates . . .

*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); . . .

*Installation* means any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator (or owner or operator under common control).

*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.

*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 the demolition or renovation operations regulated by this subpart.

*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.

22. At all times pertinent to this complaint, Moser Hall, Heating Plant No. 1 and the Campus Cafeteria were a group of buildings or structures at a single demolition or renovation site that were under the control of the same owner or operator and, therefore, an "installation" as defined by 40 CFR 61.141. As an "installation," Moser Hall, Heating Plant No. 1 and the Campus Cafeteria met the definition of a "facility" as that term is defined under 40 CFR 61.141.

23. At all times pertinent to this complaint, PRAIRIELAND and COOK met the definition of an "owner" or "operator" of a "demolition or renovation activity" as those terms are defined under 40 CFR 61.141.

24. 40 CFR 61.145, provides, in pertinent part:

\* \* \*

(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. Delivery of the notice by U.S. Postal Service, commercial delivery service, or hand delivery is acceptable.

\* \* \*

- (c) Procedures for asbestos emission control. 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 . . .

\* \* \*

- (2) When a facility component that contains, is covered with, or is coated with RACM is being taken out of the facility as a unit or in sections:

- (i) Adequately wet all RACM exposed during cutting or disjoining operations; and

- (ii) Carefully lower each unit or section to the floor and to ground level, not dropping, throwing, sliding, or otherwise damaging or disturbing the RACM.

\* \* \*

- (3) When RACM is stripped from a facility component while it remains in place in the facility, adequately wet the RACM during the stripping operation.

\* \* \*

- (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; . . .

\* \* \*

- (8) Effective 1 year after promulgation of this regulation, no RACM shall be stripped, removed, or otherwise handled or disturbed at a facility regulated by this section unless at

least one on-site representative, such as a foreman or management-level person or other authorized representative, trained in the provisions of this regulation and the means of complying with them, is present . . .

25. 40 CFR 61.150, provides, in pertinent part:

(a) Discharge no visible emissions to the outside air during the collection, processing (including incineration), packaging, or transporting of any asbestos-containing waste material generated by the source, or use one of the emission control and waste treatment methods specified in paragraphs (a) (1) through (4) of this section.

(1) Adequately wet asbestos-containing waste material as follows:

\* \* \*

(iii) After wetting, seal all asbestos-containing waste material in leak-tight containers while wet; or for materials that will not fit into containers without additional breaking, put materials into leak-tight wrapping; and

(iv) Label the containers or wrapped materials specified in paragraph (a)(1)(iii) of this section using warning labels specified by Occupational Safety and Health Standards of the Department of Labor, Occupational Safety and Health Administration (OSHA) under 29 CFR 1910.1001(j)(4) or 1926.1101(k)(8). The labels shall be printed in letters of sufficient size and contrast so as to be readily visible and legible.

(v) For asbestos-containing waste material to be transported off the facility site, label containers or wrapped materials with the name of the waste generator and the location at which the waste was generated.

\* \* \*

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

(1) A waste disposal site operated in accordance with

the provisions of § 61.154, or

- (2) An EPA-approved site that converts RACM and asbestos-containing waste material into nonasbestos (asbestos-free) material according to the provisions of § 61.155.

\* \* \*

26. PRAIRIELAND failed to provide written notification to the Illinois EPA prior to the commencement of demolition activity regarding Moser Hall, Heating Plant No. 1 and the Campus Cafeteria, in violation of 40 CFR 61.145(b)(1) and Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2008).

27. PRAIRIELAND failed to remove all RACM prior to the commencement of demolition activity regarding Moser Hall, Heating Plant No. 1 and the Campus Cafeteria, including Category II non-friable asbestos-containing material, although there was a high probability that such material would become crumbled, pulverized, or reduced to powder, in violation of 40 CFR 61.145(c)(1) and Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2008).

28. PRAIRIELAND failed to adequately wet all RACM and to prevent damage or disturbance to the RACM exposed during cutting or disjoining operations at Moser Hall, Heating Plant No. 1 and the Campus Cafeteria, in violation of 40 CFR 61.145(c)(2)(i) and (ii) and Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2008).

29. PRAIRIELAND failed to adequately wet and maintain wet all RACM stripped from components located at Moser Hall, Heating Plant No. 1 and the Campus Cafeteria, in violation of 40 CFR 61.145(c)(3) and Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2008).

30. PRAIRIELAND failed to ensure that the RACM in Moser Hall, Heating Plant No. 1 and the Campus Cafeteria was wetted and remained wet until properly containerized for disposal when Moser Hall, Heating Plant No. 1 and the Campus Cafeteria were demolished, in violation of 40 CFR 61.145(c)(6)(i) and Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1)

(2008).

31. PRAIRIELAND failed to have on-site during demolition activities at Moser Hall, Heating Plant No. 1 and the Campus Cafeteria at least one representative trained in the provisions of the Asbestos NESHAP Regulations and compliance methods prescribed therein, in violation of 40 CFR 61.145(c)(8) and Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2008).

32. PRAIRIELAND improperly disposed of the asbestos-containing waste material during the demolition of Moser Hall, Heating Plant No. 1 and the Campus Cafeteria when it failed to adequately wet and seal the material in leak-tight containers while wet, in violation of 40 CFR 61.150(a)(1)(iii) and Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2008).

33. PRAIRIELAND improperly disposed of the asbestos-containing waste material during the demolition of Moser Hall, Heating Plant No. 1 and the Campus Cafeteria when it failed to place the material in appropriate containers properly labeled, in violation of 40 CFR 61.150(a)(1)(iv) and Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2008).

34. PRAIRIELAND failed to label the containers of asbestos-containing waste removed during the demolition of Moser Hall, Heating Plant No. 1 and the Campus Cafeteria with the name of the waste generator and the location at which the waste was generated, in violation of 40 CFR 61.150(a)(1)(v) and Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2008).

35. PRAIRIELAND failed to transport to a waste disposal site as soon as practical all asbestos-containing waste material generated during the demolition of Moser Hall, Heating Plant No. 1 and the Campus Cafeteria, in violation of 40 CFR 61.150(b) and Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2008).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against the Respondent, PRAIRIELAND INVESTMENT GROUP, L.L.C.:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding the Respondent has violated the Act and the Asbestos NESHAP Regulations as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act and the Asbestos NESHAP Regulations;
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2008), impose a civil penalty of not more than the statutory maximum; and
- E. Granting such other relief as the Board may deem appropriate.

**COUNT II**  
**AIR POLLUTION VIOLATIONS-PRAIRIELAND**

1-18. Plaintiff realleges and incorporates herein by reference paragraphs 1 through 18 of Count I as paragraphs 1 through 18 of this Count II.

19. Section 201.141 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.141, provides:

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.

20. Section 3.115 of the Act, 415 ILCS 3.115 (2008), 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.

21. Section 3.165 of the Act, 415 ILCS 3.115 (2008), provides the following definition:

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

22. Section 9(a) of the Act, 415 ILCS 5/9(a) (2008), provides:

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;

23. PRAIRIELAND caused, threaten, or allowed the discharge or emission of asbestos into the environment by failing to adequately wet, contain, and properly dispose of all ACM during the demolition of Moser Hall, Heating Plant No. 1 and the Campus Cafeteria, in violation of Section 201.141 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.141, and Section 9(a) of the Act, 415 ILCS 5/9(a) (2008).

#### **PRAYER FOR RELIEF**

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against the Respondent, PRAIRIELAND INVESTMENT GROUP, L.L.C.:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;



- B. Finding the Respondent has violated the Act and the regulations as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2008), impose a civil penalty of not more than the statutory maximum; and
- E. Granting such other relief as the Board may deem appropriate.

**COUNT III**  
**ASBESTOS NESHAP VIOLATIONS-COOK**

1-25. Plaintiff realleges and incorporates herein by reference paragraphs 1 through 25 of Count I as paragraphs 1 through 25 of this Count III.

26. COOK failed to provide written notification to the Illinois EPA prior to the commencement of demolition activity regarding Moser Hall, Heating Plant No. 1 and the Campus Cafeteria, in violation of 40 CFR 61.145(b)(1) and Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2008).

27. COOK failed to remove all RACM prior to the commencement of demolition activity regarding Moser Hall, Heating Plant No. 1 and the Campus Cafeteria, including Category II non-friable asbestos-containing material, although there was a high probability that such material would become crumbled, pulverized, or reduced to powder, in violation of 40 CFR 61.145(c)(1) and Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2008).

28. COOK failed to adequately wet all RACM and to prevent damage or disturbance to the RACM exposed during cutting or disjoining operations at Moser Hall, Heating Plant No. 1 and the Campus Cafeteria, in violation of 40 CFR 61.145(c)(2)(i) and (ii) and Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2008).

29. COOK failed to adequately wet and maintain wet all RACM stripped from

components located at Moser Hall, Heating Plant No. 1 and the Campus Cafeteria, in violation of 40 CFR 61.145(c)(3) and Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2008).

30. COOK failed to ensure that the RACM in Moser Hall, Heating Plant No. 1 and the Campus Cafeteria was wetted and remained wet until properly containerized for disposal when Moser Hall, Heating Plant No. 1 and the Campus Cafeteria were demolished, in violation of 40 CFR 61.145(c)(6)(i) and Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2008).

31. COOK failed to have on-site during demolition activities at Moser Hall, Heating Plant No. 1 and the Campus Cafeteria at least one representative trained in the provisions of the Asbestos NESHAP Regulations and compliance methods prescribed therein, in violation of 40 CFR 61.145(c)(8) and Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2008).

32. COOK improperly disposed of the asbestos-containing waste material during the demolition of Moser Hall, Heating Plant No. 1 and the Campus Cafeteria when it failed to adequately wet and seal the material in leak-tight containers while wet, in violation of 40 CFR 61.150(a)(1)(iii) and Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2008).

33. COOK improperly disposed of the asbestos-containing waste material during the demolition of Moser Hall, Heating Plant No. 1 and the Campus Cafeteria when it failed to place the material in appropriate containers properly labeled, in violation of 40 CFR 61.150(a)(1)(iv) and Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2008).

34. COOK failed to label the containers of asbestos-containing waste removed during the demolition of Moser Hall, Heating Plant No. 1 and the Campus Cafeteria with the name of the waste generator and the location at which the waste was generated, in violation of 40 CFR 61.150(a)(1)(v) and Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2008).

35. COOK failed to transport to a waste disposal site as soon as practical all asbestos-containing waste material generated during the demolition of Moser Hall, Heating Plant No. 1 and the Campus Cafeteria, in violation of 40 CFR 61.150(b) and Section 9.1(d)(1) of the Act, 415 ILCS 5/9.1(d)(1) (2008).

**PRAYER FOR RELIEF**

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against the Respondent, KEVIN S. COOK, d/b/a KC Construction:

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

B. Finding the Respondent has violated the Act and the Asbestos NESHAP Regulations as alleged herein;

C. Ordering Respondent to cease and desist from any further violations of the Act and the Asbestos NESHAP Regulations;

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2008), impose a civil penalty of not more than the statutory maximum; and

E. Granting such other relief as the Board may deem appropriate.

**COUNT IV**  
**AIR POLLUTION VIOLATIONS-COOK**

1-18. Plaintiff realleges and incorporates herein by reference paragraphs 1 through 18 of Count I as paragraphs 1 through 18 of this Count IV.

19. Section 201.141 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.141, provides:

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.

20. Section 3.115 of the Act, 415 ILCS 3.115 (2008), 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.

21. Section 3.165 of the Act, 415 ILCS 3.115 (2008), provides the following definition:

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

22. Section 9(a) of the Act, 415 ILCS 5/9(a) (2008), provides:

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;

23. COOK caused, threaten, or allowed the discharge or emission of asbestos into the environment by failing to adequately wet, contain, and properly dispose of all ACM during the demolition of Moser Hall, Heating Plant No. 1 and the Campus Cafeteria, in violation of Section 201.141 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.141, and Section 9(a) of the Act, 415 ILCS 5/9(a) (2008).

#### **PRAYER FOR RELIEF**

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully request that the Board enter an order against the Respondent, KEVIN S. COOK, d/b/a KC

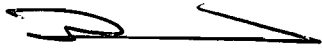
Construction:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding the Respondent has violated the Act and the regulations as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2008) impose a civil penalty of not more than the statutory maximum; and
- E. Granting such other relief as the Board may deem appropriate.

Respectfully submitted,

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

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
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BY:   
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Dated: November 8, 2010