



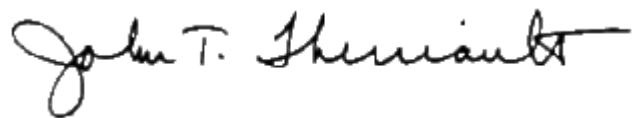
for Hazardous Air Pollutants (NESHAP)<sup>2</sup> asbestos regulations and compliance methods, improperly disposing of the asbestos-containing waste material during the demolition through a failure to adequately wet and seal the material in leak-tight containers while wet, improperly disposing of the asbestos-containing material during the demolition through a failure to place the material in appropriate containers properly labeled, failing to label the containers of asbestos-containing waste removed during the demolition, failing to transport to a waste disposal site as soon as practical all asbestos-containing waste material generated during the demolition (Count III); and causing, threatening or allowing the discharge or emission of asbestos into the environment by failing to adequately wet, contain and properly dispose of all asbestos-containing material during the demolition (Count IV).

On October 20, 2011, the People and Cook 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) (2010)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2010)), 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, Cook admits to the alleged violations and agrees to pay a civil penalty of \$8,000.

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 request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2010); 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 3, 2011, by a vote of 5-0.



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John Therriault, Assistant Clerk  
Illinois Pollution Control Board

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<sup>2</sup> Section 9(b) of the Act provides that federal NESHAP “are applicable to the state and enforceable under the Act.” 415 ILCS 5/9(b) (2010).