

ILLINOIS POLLUTION CONTROL BOARD  
April 22, 1993

PEOPLE OF THE STATE )  
OF ILLINOIS, )  
 )  
Complainant, )  
 )  
v. ) PCB 93-58  
 ) (Enforcement)  
L. KELLER OIL )  
PROPERTIES, INC., )  
 )  
Respondent. )

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on its own motion. On April 14, 1993, in response to a hearing officer order directing the parties to address the issue of venue, complainant the People of the State of Illinois (People) filed a brief. Respondent has not filed any response to the hearing officer order.

The issue faced today is whether venue for hearing is proper in Sangamon County. The complaint alleges violations of the reporting requirements of 35 Ill. Adm. Code 731.162(b), 731.163(a), and 731.164(d). Those sections require reports to be submitted to the Illinois Environmental Protection Agency (Agency) in connection with corrective action for leaking underground storage tanks. The complaint alleges violations in connection with facilities owned by respondent L. Keller Oil Properties in Jefferson, Coles, Madison, Piatt, and Marion Counties.

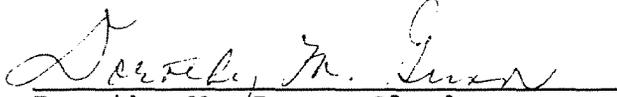
The People contend that venue for hearing is proper in Sangamon County. The People note that Sections 731.162, 731.163, and 731.164 require that reports be filed with the Agency, that for the purpose of such reporting the Agency is located in Springfield, Sangamon County, and that the alleged violations occurred when the required reports and information were not submitted to the Agency. The People acknowledge the possibility of other venues, such as the counties in which the releases occurred and the reports would have been generated. However, the People maintain that the county in which the submission of the required reports must be filed is Sangamon, and that thus Sangamon County has more of a nexus to the alleged violations.

The Board finds that Sangamon County is indeed one of several proper locations for hearing. Section 103.125(b) of the Board's procedural rules states that hearing shall be held in the county in which the alleged violation occurred, or in such other county as the hearing officer shall for stated cause designate. Pursuant to that rule, hearing may be held in Sangamon County,

since that is where the reports must be filed. The Board notes, however, that it will continue to publish notice of hearing in the county in which the facility is located, as well as the county where the hearing takes place.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 22<sup>nd</sup> day of April, 1993, by a vote of 6-0.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board