

ILLINOIS POLLUTION CONTROL BOARD
March 16, 2000

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 95-163
) (Enforcement - Air, Water, RCRA)
 CLARK REFINING AND MARKETING,)
 INC.,)
)
 Respondent.)

ORDER OF THE BOARD (by R.C. Flemal):

On March 1, 2000, the parties filed a motion to amend a partial stipulation and proposal for settlement previously accepted by the Board on November 22, 1996. The partial stipulation and proposal for settlement provided that respondent shall operate a Tank T-171 in compliance with specific RCRA regulations in 35 Ill. Adm. Code Parts 721-728. However, the USEPA published a final rule on August 6, 1998, which excluded respondent's Tank T-171 from compliance with the specific RCRA regulations. The parties seek to amend the stipulation consistent with this latest USEPA rule. The Board grants the motion and orders that Paragraph VII.C.4.a of the partial stipulation and proposal for settlement read as follows:

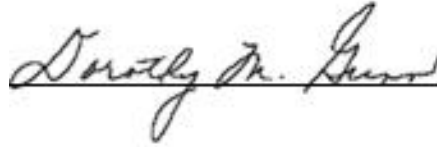
Clark shall operate Tank T-171 in compliance with the RCRA regulations of 35 Ill. Adm. Code Part 721-728 (1994) applicable to a less than 90-day storage tank until January 19, 1999, the effective date of the amendment to 35 Ill. Adm. Code 721.104(a)(12).

Also on March 1, 2000, the parties filed a final stipulation and proposal for settlement and an agreed motion requesting relief from the hearing requirement imposed by Section 31(c)(1) of the Environmental Protection Act (Act) (415 ILCS 5/31(c)(1) (1998)). Section 31(c)(2) of the Act specifically authorizes such filings by the parties to an enforcement action. The Board is required to cause notice of the stipulation and proposal for settlement and request for relief. Pursuant to Section 31(c)(2) of the Act, the Board directs the Clerk of the Board to cause publication of notice of the final stipulation and proposal for settlement in a newspaper of general circulation in the county in which the alleged violation occurred.

Any person may file a written demand for hearing with 21 days after receiving the notice. If a hearing is requested, the Board will accordingly deny the parties' request for relief and schedule a hearing.

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 16th day of March 2000 by a vote of 5-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board