

ILLINOIS POLLUTION CONTROL BOARD

December 21, 2000

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 01-79
)	(Enforcement – RCRA)
PHILLIPS PIPE LINE COMPANY, a)	
subsidiary of PHILLIPS PETROLEUM)	
COMPANY, INC., a Delaware corporation,)	
)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by C.A. Manning):

On November 8, 2000, the People of the State of Illinois filed a one-count complaint against respondent Phillips Pipe Line Company (Phillips). The complaint alleges Phillips shipped waste antifreeze without conducting testing, failed to determine if the waste needed to be treated prior to land disposal, failed to provide required notification, failed to report hazardous waste, failed to return copies of sample results, and caused open dumping at its facility located at 3300 Mississippi Avenue, Cahokia, St. Clair County, Illinois. These activities were in alleged violation of Sections 21(a), (e), and (f)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(a), (e), (f)(1) (1998)), and the Board's waste disposal regulations at 35 Ill. Adm. Code 722.111, 722.140(c), 722.141(a), 728.107(a)(1) and (a)(2), and 855.104.

Also on November 8, 2000, the parties filed a joint stipulation and proposal for settlement, accompanied by a motion requesting relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (1998)). Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), the Board caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The notice appeared in *The Cahokia Dupo Journal* on November 15, 2000. The Board did not receive any requests for hearing. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation and proposal for settlement sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. Phillips does not admit to the violations alleged by the People but agrees to pay a civil penalty of \$15,000.

The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. Phillips must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's regulations.

This opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

1. The Board hereby accepts the stipulation and settlement agreement executed by the People of the State of Illinois and Phillips. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. Phillips must pay the sum of \$15,000. Payment must be made within 30 days of the date of this order, that is, on or before January 20, 2001. Such payment must be made by certified check or money order payable to the Treasurer of the State of Illinois, for deposit in the Environmental Protection Trust Fund. The case number, case name, and Phillips' Federal Employer Identification number 37-074-4085 must also be included on the certified check or money order and clearly indicate that payment is directed to the Environmental Protection Trust Fund.
3. The check or money order must be sent by first class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

A copy of the payment transmittal and check shall be simultaneously submitted to:

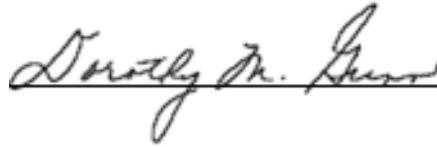
Office of the Attorney General
Donna Lutes, Environmental Bureau
500 South Second Street
Springfield, Illinois 62706

4. Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003 (1998)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest does not accrue during the pendency of an appeal during which payment of the penalty has been stayed.
5. Phillips must cease and desist future alleged violations of any federal, State, or local statutes and regulations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the 21st day of December 2000 by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board