

ILLINOIS POLLUTION CONTROL BOARD
May 6, 1999

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 98-90
) (Enforcement - Land, Water)
MARATHON OIL COMPANY, a foreign)
corporation,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by G.T. Girard):

On December 27, 1997, the People of the State of Illinois, by its attorney, James E. Ryan, Attorney General of the State of Illinois, filed a complaint against Marathon Oil Company. The complaint alleged that the respondent violated Sections 12(a), 12(c), 12(f), 12(h), 21(f)(1) and (2) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), 12(c), 12(f), 12(h) (1996)) and 35 Ill. Adm. Code 307.1101(a)(2), (b)(2), (4), (7), and (12), 309.204(a), 703.121, and 728.135 by causing and allowing water pollution, violating National Pollutant Discharge Elimination permit effluent limits, violating general water quality and effluent standards, and failing to enforce sewage use ordinance. On February 24, 1999, the parties filed a stipulation and proposal for settlement and a request for relief from hearing.

Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1996)), 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 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. The respondent neither admits or denies the alleged violations and agrees to pay a total civil penalty of \$28,000. Respondent must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's regulations.

The Board finds the Settlement Agreement acceptable under 35 Ill. Adm. Code 103.180 with the following exception. Upon review of the Stipulation and Settlement Agreement, the Board finds that in paragraph (4), it must correct the designation of payment from the Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund to the Hazardous Waste Fund. The Board is without statutory authority to do otherwise. Section 22.2(f)-(k) of the Act and Section 42(f) of the Act authorize the Board to order such fund payments be made only to the Hazardous Waste Fund. 415 ILCS 5/22.2(f)-(k) and 42(f)

The Board takes special note that in paragraph (2) of this order it has designated the Hazardous Waste Fund in lieu of the Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund as stated in the Stipulation and Settlement Agreement. This designation is made pursuant to Section 22.2 of the Act. The Board has taken this action in the interests of procedural economy as in the past. See, People v. Chem-Plate Industries, Inc. (November 4, 1993), PCB 92-68. The parties are free to file a motion to reconsider this action. This Settlement Agreement in no way affects respondent's responsibility to comply with any federal, state, or local regulation, including but not limited to the Act and the Board's pollution control 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 Marathon Oil Company, a foreign corporation located in Crawford County, Illinois. The Stipulation and Settlement Agreement is incorporated by reference as though fully set forth herein.
2. The respondent shall pay a total sum of \$28,000. Such payment shall be made by certified check or money order. The case number, case name, and the respondent's federal employer identification number shall also be included on the check (or money order). Payment shall be made as follows:
 - a. \$20,000 shall be paid within 30 days of the date of this order. Such payment shall be made payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund.
 - b. \$5,000 shall be paid within 45 days of the date of this order. Such payment shall be made payable to the Treasurer of the State of Illinois, designated to the Illinois Hazardous Waste Fund.

The two checks (or money orders) shall 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:

Illinois Attorney General's Office
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706

- c. \$3,000 shall be paid within 45 days of the date of this order. Such payment shall be made payable to the Treasurer of the State of Illinois, designated to the Illinois Hazardous Waste Fund. The certified check (or money order) shall be sent by first class mail to:

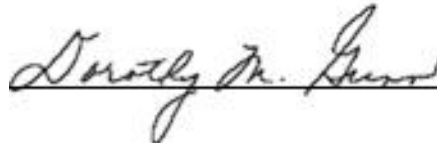
Illinois Attorney General's Office
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706

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), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.
5. Respondent shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1996)) 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 establish such filing requirements. See 172 Ill. 2d R. 335; see also 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 6th day of May 1999 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board