ILLINOIS POLLUTION CONTROL BOARD January 9, 2003

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
V.)	
•)	PCB 01-156
UNION PACIFIC RAILROAD,)	(Enforcement - Air)
)	
Respondent.)	

ORDER OF THE BOARD (by T.E. Johnson):

On May 17, 2001, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Union Pacific Railroad (U-P). *See* 415 ILCS 5/31(c)(1) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002; 35 Ill. Adm. Code 103.204. The People allege that U-P released styrene monomer from a tank car from August 29, 1997 until September 12, 1997. The People further allege that by doing so, U-P caused air pollution in violation of Sections 9(a) of the Environmental Protection Act (Act) and Section 201.141 of the Board's regulations. 415 ILCS 5/9(a) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002; 35 Ill. Adm. Code 201.141. U-P is a Delaware corporation authorized to do business in Illinois. The alleged release at the basis of the complaint occurred while the train was moving through Jackson County and continued, as the tanker car was moved through Rockwood, Randolph County.

On December 23, 2002, the People and U-P 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) (2000)) *amended by* P.A. 92-0574, eff. June 26, 2002. This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2000)) *amended by* P.A. 92-0574, eff. June 26, 2002. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, U-P does not admit the alleged violations, but agrees to pay a civil penalty of \$50,000.

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 parties' request for relief and hold a hearing. 415 ILCS 5/31(c)(2) (2000) amended by P.A. 92-0574, eff. June 26, 2002; 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 9, 2003, by a vote of 5-0.

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board