

ILLINOIS POLLUTION CONTROL BOARD
October 16, 2003

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 04-46
)	(Enforcement - Air)
MARATHON ASHLAND PIPELINE, L.C.C.,)	
a Delaware limited liability company,)	
)	
Respondent.)	

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

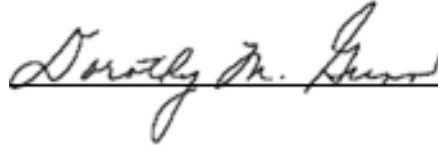
On October 3, 2003, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Marathon Ashland Pipeline, L.C.C. (Marathon Ashland Pipeline). *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. At issue is the People's allegation that Marathon Ashland Pipeline violated Section 9(a) of the Environmental Protection Act (Act) (415 ILCS 5/9(a) (2002)) and 35 Ill. Adm. Code 215.121(b)(1) and 215.123(b)(1). The People further allege that Marathon Ashland Pipeline violated these provisions by the loss of 3,998 barrels of gasoline and emission of more than 470 tons of volatile organic material from the collapse of a floating roof tank roof, from not properly operating the tank roof, and from sorting gasoline without a vapor control device. The complaint concerns Marathon Ashland Pipeline's petroleum storage tank and pipeline facility at 5825 East Cumberland Road, Martinsville, Chicago, Cook County.

On October 3, 2003, the People and Marathon Ashland Pipeline 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) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, the Marathon Ashland Pipeline neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$55,000.

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); 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 October 16, 2003, by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board