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CLERK'S OFFICE

**OCT 13 2004**

**STATE OF ILLINOIS**  
Pollution Control Board

**OFFICE OF THE ATTORNEY GENERAL**  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

October 8, 2004

Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601-3286

Re: People v. Wood River Refining Co.  
PCB No. 99-120

Dear Clerk Gunn:

Enclosed for filing please find an original and ten copies of a NOTICE OF FILING and COMPLAINANT'S RESPONSE TO REQUEST FOR MODIFICATION OF ORDER with regard to the above captioned matter. Please return a file-stamped copy in the enclosed self-addressed stamped envelope.

Thank you for your cooperation and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Davis", is written over a horizontal line.

Thomas Davis  
Assistant Attorney General  
500 South Second Street  
Springfield, Illinois 62706

TD/pp  
Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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CLERK'S OFFICE

OCT 13 2004

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. )  
)  
WOOD RIVER REFINING COMPANY, )  
a Division of EQUILON ENTERPRISES, LLC, )  
)  
Respondent. )

PCB NO. 99-120  
(Enforcement)

NOTICE OF FILING

To: Mr. Joseph A. Girardi  
Henderson & Lyman  
175 West Jackson Blvd.  
Chicago, IL 60604

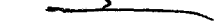
PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, COMPLAINANT'S RESPONSE TO REQUEST FOR MODIFICATION OF ORDER, copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN  
Attorney General of the  
State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY:   
THOMAS DAVIS  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: October 8, 2004

People vs. Wood River Refining Co., PCB No. 99-120

CERTIFICATE OF SERVICE

I hereby certify that I did on October 8, 2004, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the foregoing instrument entitled NOTICE OF FILING and COMPLAINANT'S RESPONSE TO REQUEST FOR MODIFICATION OF ORDER

To: Mr. Joseph A. Girardi  
Henderson & Lyman  
175 West Jackson Blvd.  
Chicago, IL 60604

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To: Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
Suite 11-500  
100 West Randolph  
Chicago, Illinois 60601

A copy was also sent by First Class Mail with postage thereon fully prepaid

To: Ms. Carol Sudman  
Hearing Officer  
Pollution Control Board  
P.O. Box 19274  
Springfield, IL 62794-9274

  
\_\_\_\_\_  
Thomas Davis  
Assistant Attorney General

Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
vs. )  
)  
WOOD RIVER REFINING COMPANY, )  
)  
Respondent. )

No. 99-120  
(Enforcement)

COMPLAINANT'S RESPONSE TO REQUEST FOR MODIFICATION OF ORDER

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, hereby concurs with the Respondent's Request for Modification of Order, and states as follows:

1. The Proposal for Settlement explicitly sets forth the applicable terms and conditions of the agreement between the parties.
2. The Board may accept, suggest revisions in, or reject the proposal for settlement, but has no authority to unilaterally alter the agreed upon terms and conditions.
3. The Complainant assumes that the inclusion of a cease and desist provision in the Order resulted from inadvertence rather than disagreement with the negotiated resolution.

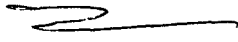
WHEREFORE, Complainant requests that the Board modify its Order.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,

LISA MADIGAN  
Attorney General  
State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement Division

BY:   
THOMAS DAVIS, Chief  
Environmental Bureau  
Assistant Attorney General

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: October 8, 2004