ILLINOIS POLLUTION CONTROL BOARD October 21, 2004

PEOPLE OF THE STATE OF ILLINOIS,)	
Complainant,)))	
V.)	PCB 99-120
)	(Enforcement – Air, Land)
WOOD RIVER REFINING COMPANY, a)	
division of EQUILON ENTERPRISES, LLC,)	
)	
Respondent.)	

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

On October 6, 2004, Wood River Refining Company filed a motion asking the Board to modify the September 16, 2004 order accepting a stipulated settlement agreement. On October 13, 2004, complainant filed a response in support of the motion to modify.

Specifically, Wood River Refining Company asks the Board to modify the order by deleting the language ordering Wood River Refining Company to cease and desist from the alleged violations. Wood River Refining Company indicates that all remediation was completed prior to the stipulation and settlement being entered into by the parties and the cease and desist language was left out by the parties because the language was not relevant or necessary.

The Board grants the motion to modify. The Board sets forth the order in its entirety below.

<u>ORDER</u>

- 1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
- 2. Wood River Refining Company must pay a civil penalty of \$126,000 no later than November 22, 2004, which is the 30th day after the date of this order. Wood River Refining Company must pay the civil penalty by certified check or money order, payable to Environmental Protection Trust Fund. The case number, case name, and Wood River Refining Company's social security number or federal employer identification number must be included on the certified check or money order.
- 3. Wood River Refining Company must send the certified check or money order to:

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

4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2002)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2002)).

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2002); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on October 21, 2004, by a vote of 5-0.

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Dorothy M. Gunn, Clerk Illinois Pollution Control Board