

ILLINOIS POLLUTION CONTROL BOARD

December 15, 2005

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 06-36
)	(RCRA Enforcement)
MAGELLAN PIPELINE COMPANY, L.P., a)	
limited partnership,)	
)	
Respondent.)	

ORDER OF THE BOARD (by A.S. Moore):

On September 6, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Magellan Pipeline Company, L.P. (Magellan Pipeline). The People's complaint concerns Magellan Pipeline's petroleum product storage and distribution facility located at 1222 U.S. Route 30 in Amboy, Lee County. The complaint alleges that Magellan Pipeline improperly handled and disposed of hazardous waste generated from storage tank restoration activities at the site. The parties now seek to settle without a public hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2004)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2004); 35 Ill. Adm. Code 103. In this case, the People allege that Magellan Pipeline violated Sections 21(e) and (f)(2) of the Act (415 ILCS 5/21(e), (f)(2) (2004)) and Sections 722.111, 722.112, 722.120(a), and 728.109(a) and (c) of the Board's hazardous waste regulations (35 Ill. Adm. Code 722.111, 722.112, 722.120(a), 728.109(a), (c)). According to the complaint, Magellan Pipeline violated these provisions by (1) improperly disposing of hazardous waste at a facility that does not have a Resource Conservation and Recovery Act (RCRA) permit; (2) failing to prepare a hazardous waste manifest; (3) offering hazardous waste to a facility that does not have a United States Environmental Protection Agency (USEPA) identification number; and (4) improperly evaluating hazardous waste.¹

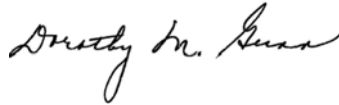
¹ In a related enforcement action, the People filed a separate complaint against Waste Management of Illinois, Inc. (WMI), alleging that WMI improperly accepted, transported, and disposed of hazardous waste from Magellan Pipeline. That complaint, which the Board accepted for hearing in an October 6, 2005 order, concerns the Prairie Hill Recycling and Disposal facility, a municipal solid waste sanitary landfill operated by WMI and located in Morrison, Whiteside County. *See People v. Waste Management of Illinois, Inc.*, PCB 06-42 (Oct. 6, 2005).

On December 8, 2005, the People and Magellan Pipeline filed a stipulation and proposed settlement. On December 9, 2005, the People filed a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2004)). These filings are authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Magellan Pipeline neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$18,000.

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. *See* 415 ILCS 5/31(c)(2) (2004); 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 December 15, 2005, by a vote of 4-0.

A handwritten signature in cursive script, appearing to read "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board