

ILLINOIS POLLUTION CONTROL BOARD
January 5, 2006

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 05-66
)	(Enforcement – Water)
PETCO PETROLEUM CORPORATION, an)	
Indiana corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by N.J. Melas):

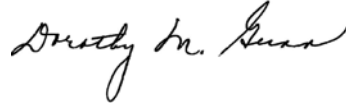
On April 14, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed an amended complaint against Petco Petroleum Corporation (Petco). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. In the amended complaint, the People allege that Petco violated Section 12(a) and (d) of the Environmental Protection Act (Act) (415 ILCS 5/12(a) and (d) (2004)) and Sections 302.203, 304.105, 304.106, and 302.208(g) of the Board’s effluent and water quality standards (35 Ill. Adm. Code 302.203, 304.105, 304.106, 302.208(g)) by causing or allowing water pollution and violating the chloride water quality standard. The complaint further states that Petco caused these violations by three different releases of salt water from the facility that entered waters of the State. The complaint concerns Petco’s oil production and Class II injection wells facilities near St. Elmo, Fayette County. The Board accepted the amended complaint for hearing on May 19, 2005.

On December 22, 2005, the People and Petco 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) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)). *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Petco neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$135,000.

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) (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 January 5, 2006, 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