

ILLINOIS POLLUTION CONTROL BOARD

February 2, 2006

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

OPINION AND 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). See 415 ILCS 5/31.1(c) (2004); 35 Ill. Adm. Code 108.202(c). The People's complaint concerns Magellan's petroleum product storage and distribution facility located at 1222 U.S. Route 30 in Amboy, Lee County.

The complaint alleges that Magellan improperly handled and disposed of hazardous waste generated from storage tank restoration activities at the site. The complaint further alleges that Magellan violated Section 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 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 identification number; and (4) improperly evaluating hazardous waste.<sup>1</sup>

On December 8, 2005, the People and Magellan filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (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). The Board provided notice of the stipulation, proposed settlement, and request for relief. The newspaper notice was published in the *Dixon Telegraph* on December 27, 2005. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. See 415 ILCS 5/31(c)(2) (2004); 35 Ill. Adm. Code 103.300(b).

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<sup>1</sup> In a related enforcement action, the People filed a separate complaint against Waste Management of Illinois, Inc. (WMI), which alleges that WMI improperly accepted, transported, and disposed of hazardous waste from Magellan. See People v. Waste Management of Illinois, Inc., PCB 06-42.

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of Magellan's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act. 415 ILCS 5/33(c) (2004). The People and Magellan have satisfied Section 103.302. Magellan neither admits nor denies the alleged violations and agrees to pay a civil penalty of \$18,000. The Board accepts the stipulation and proposed settlement.

This opinion constitutes the Board's findings of fact and conclusions of law.

### **ORDER**

1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
2. Magellan must pay a civil penalty of \$18,000 no later than Monday, March 6, 2006, which is the first business day after the 30th day from the date of this order. Magellan must pay the civil penalty by certified check or money order, payable to the Environmental Protection Trust Fund. The case number, case name, and Magellan's social security number or federal employer identification number must be included on the certified check or money order.
3. Magellan must send the certified check or money order to:
 

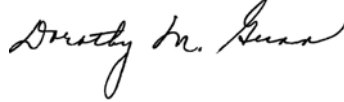
Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276
4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2004)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2004)).
5. Magellan must cease and desist from the alleged violations.

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) (2004); *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 February 2, 2006, by a vote of 4-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board