

ILLINOIS POLLUTION CONTROL BOARD
May 3, 2007

PEOPLE OF THE STATE OF ILLINOIS,)
)
Complainant,)
)
v.) PCB 06-51
) (Enforcement – Air, Water, Land)
CSX TRANSPORTATION, INC., a Virginia)
corporation,)
)
Respondent.)

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

On October 14, 2005, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against CSX Transportation, Inc. (CSX Transportation). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The complaint concerns the derailment of engines and cars of a 55-car freight train owned by CSX Transportation into a farm field about a mile north of downtown Paris, Edwards County, on December 22, 2004. In this incident, three engines derailed, breached, and released about 5,700 gallons of diesel fuel; one tank car derailed, breached, and released about 20,700 gallons of hydrochloric acid; and one tank car of silicon tetrachloride and one tank car of methyl trichlorosilane each derailed but did not breach or release their contents.

On April 19, 2007, the People and CSX Transportation 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 (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, CSX Transportation does not affirmatively admit the alleged violations but agrees to pay a civil penalty of \$80,000.

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, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on May 3, 2007 by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board