

ILLINOIS POLLUTION CONTROL BOARD

March 5, 2009

PEOPLE OF THE STATE OF ILLINOIS, )  
*ex rel* LISA MADIGAN, Attorney General )  
of the State of Illinois, )  
 )  
Complainant, )  
 )  
v. ) PCB 09-64  
 ) (Enforcement - Land)  
CITGO PETROLEUM CORPORATION, a )  
Delaware corporation, )  
 )  
Respondent. )

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

On February 23, 2009, Lisa Madigan, Attorney General of the State of Illinois, on behalf of the People of the State of Illinois (People), filed a three-count complaint (Complaint) against Citgo Petroleum Corporation, a Delaware corporation licensed to do business in Illinois (respondent), concerning respondent's petroleum refinery located in Lemont, Will County, Illinois. The parties now seek to settle without a hearing. For the reasons below, the Board accepts the complaint as meeting the applicable content requirements of the Board's procedural rules. *See* 35 Ill. Adm. Code 103.204. The Board further directs the Clerk to provide public notice of the parties' stipulation, proposal for settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2006)), the Attorney General and the State's Attorneys may bring actions before the Board on behalf of the People to enforce Illinois' environmental requirements. *See* 415 ILCS 5/31 (2006); 35 Ill. Adm. Code 103. In this case, the People allege that respondent Citgo violated Sections 21(e) and 21(i) of the Act, (415 ILCS 5/21(e) and (i) (2006)), and Section 722.120(a)(1) of the Board's regulations. 35 Ill. Adm. Code 722.120(a)(1). Comp. at 6-9.

Specifically, the People allege that respondent Citgo violated the provisions of the Act and Board's regulations by disposing of hazardous waste at a facility not permitted to accept hazardous waste (Count I); by failing to manage the waste respondent produced as a hazardous waste (Count II); and, by failing to prepare a Uniform Hazardous Waste Manifest for the hazardous waste respondent produced (Count III).

On February 23, 2009, the People and respondent Citgo also filed a stipulation and proposal for 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) (2006)). The stipulation and proposal for settlement includes a fourth count not listed in the complaint alleging violations of Section 21(i) of the Act (415 ILCS 5/21(i) and Section 722.111 of the Board's regulations. This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2006)), 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, Citgo neither admits nor denies the alleged violations, and agrees to pay a civil penalty of \$5,000.00.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposal for 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) (2006); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice. In addition, the Board directs the complainant to file an amended complaint or an amended stipulation and proposal for settlement addressing the inconsistency between the complaint and the stipulation and proposal for settlement.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on March 5, 2009, by a vote of 5-0.



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John Therriault, Assistant Clerk  
Illinois Pollution Control Board