

ILLINOIS POLLUTION CONTROL BOARD
March 17, 2011

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 08-07
)	(Enforcement - Water)
UNION PACIFIC RAILROAD COMPANY, a)	
Delaware Corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by C.K. Zalewski):

On July 16, 2007, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a four-count complaint against Union Pacific Railroad Company, a Delaware Company (respondent). The complaint concerns respondent’s intermodal facility at 301 West Lake Street, Northlake, Cook County. The parties now seek to settle without a 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 (2008)), 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 (2008); 35 Ill. Adm. Code 103. In this case, the People allege that respondent violated Sections 12(a), (d), and (f) (415 ILCS 5/12(a), (d), and (f) (2008)) of the Act, Section 309.102(a) (35 Ill. Adm. Code 309.102(a)), and Sections 302.203 and 304.105 of the Board Water Pollution Regulations (35 Ill. Adm. Code 302.203, 304.105). The respondent violated the previously named provisions by allowing the discharge of the rainbow and silver colored fuel oil sheen and the diesel fuel, depositing petroleum products onto the land in such a place and manner as to cause a water pollution hazard on at least two occasions, discharging petroleum products from the Separator into Mud Creek in violation of respondent’s NPDES permit, and allowing petroleum products to enter Mud Creek.

On March 7, 2011, the People and respondent 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) (2008)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2008)), 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, the respondent denies the alleged violations and agrees to pay a civil penalty of \$20,000.

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) (2008); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk to provide the required notice.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 17, 2011, by a vote of 5-0

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

John Therriault, Assistant Clerk
Illinois Pollution Control Board