

ILLINOIS POLLUTION CONTROL BOARD
August 1, 1996

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 96-169
)	(Enforcement - Water)
)	
KERR-MCGEE REFINING)	
CORPORATION, a Delaware corporation,)	
)	
Respondent.)	

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

This matter comes before the Illinois Pollution Control Board (Board) upon a one-count complaint filed January 31, 1996, by the Attorney General of the State of Illinois, on behalf of the Illinois Environmental Protection Agency and the People of the State of Illinois, against Kerr-McGee Refining Corporation (Kerr-McGee), a Delaware corporation located at 2nd Avenue and North Main, White Hall, Greene County, Illinois. An amended complaint was filed on May 22, 1996. The complaint alleges that Kerr-McGee violated Section 12(a) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/12(a)) and 35 Ill. Adm. Code 620.405 and 620.420(c) by causing or allowing water pollution.

Pursuant to 415 ILCS 5/31(a)(2), the parties filed a joint motion requesting relief from the Act's hearing requirement on June 3, 1996. The Board published a notice of the waiver on June 13, 1996; no objection to the granting of the waiver was received. Waiver of hearing is hereby granted.

The parties filed a Stipulation and Settlement Agreement on June 3, 1996. The Stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Kerr-McGee denies the alleged violations but agrees to pay a civil penalty of thirty-five thousand dollars (\$35,000.00).

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. This settlement agreement in no way affects respondent's responsibility to comply with any federal, state or local regulations, including but not limited to the Act and the Board's pollution control regulations.

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

ORDER

- 1) The Board hereby accepts the Stipulation and Settlement Agreement executed by the People of the State of Illinois and Kerr-McGee Refining Corporation (Kerr-McGee), concerning its facility located at 2nd Avenue and North Main, White Hall, Greene County, Illinois. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2) Kerr-McGee, shall pay the sum of thirty-five thousand dollars (\$35,000.00) within 30 days of the date of this order. Such payment shall be made by certified check or money order payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund and shall be sent by First Class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

The certified check or money order shall clearly indicate on its face, Kerr-McGee's Federal Employer Identification Number 73-0974954 and that payment is directed to the Environmental Protection Trust Fund. A copy of the payment transmittal and check shall be simultaneously submitted to both of the following:

Donna Lutes
Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706

Robert Scherschlight
Illinois Environmental Protection Agency-DLC/BOL
2200 Churchill Road
Springfield, Illinois 62794-92769

Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

- 3) Kerr-McGee shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246 "Motions for Reconsideration".)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above opinion and order was adopted on the ____ day of _____, 1996, by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board