

ILLINOIS POLLUTION CONTROL BOARD

February 6, 1975

ENVIRONMENTAL PROTECTION AGENCY,)
Complainant,)
v.) PCB 72-453
UNION OIL COMPANY OF CALIFORNIA,)
Respondent.)

Mr. Dennis R. Fields, attorney for Complainant.
Mr. Arthur T. Lennon, attorney for Respondent.

OPINION AND ORDER OF THE BOARD (by Dr. Odell)

On November 21, 1972, the Environmental Protection Agency (Agency) filed its Complaint against Union Oil Company of California (Union Oil) with the Pollution Control Board (Board). It was alleged that Union Oil owned and operated a petroleum refinery at 135th Street and New Avenue in Lemont, Will County, Illinois. The Agency charged that the equipment and process employed by Respondent to refine crude oil were operated in such a way as to violate Section 9(a) of the Environmental Protection Act. Such violations allegedly occurred on March 17 and 18, 1970; April 28, 1970; August 6, 1970; August 24 and 25, 1971; and March 13, 16, 18, and 22, 1972.

On December 26, 1974, a hearing was held in Joliet, Illinois. No explanation was given for the two year delay between the filing of Complaint and the hearing. A Stipulation and Proposal For Settlement was made part of the record. The Statement of Facts indicated that Union Oil's refinery began operation in July, 1970. In construction of the facility, approximately \$30,000,000 (15% of the total cost) was spent on pollution control equipment. The Respondent annually spends \$1,500,000 (3% to 4% of the total maintenance cost) for the maintenance and operation of its pollution control equipment. The Statement of Facts indicated that prior to November, 1972 area citizens had smelled hydrocarbons and sulfur dioxide odors, which occasionally caused physical discomfort, coming from the direction of Union Oil. Respondent acknowledged occasional breakdowns in its process equipment during this same period. No substantial complaints have been received by either of the parties since September, 1972, and the Agency believes that any deficiencies have been corrected. Union Oil contends that no such deficiencies ever existed. The Statement of Facts indicated that Union Oil believed that the source of many citizen complaints was not traceable to Union Oil, and that no violation of any Federal or State laws and regulations has occurred.

The Terms of Settlement provided that:

"Union Oil does not admit, by entering into this settlement, any wrongdoing or violation of any law, rule or regulation of the State of Illinois or any of its agencies. This proposed settlement is expressly conditioned upon, and effective only with, approval thereof in all respects of the Illinois Pollution Control Board."

Union Oil agreed to remit \$3,000 to the State of Illinois upon adoption by the Board of the Stipulation and Proposal For Settlement. No witnesses came forward to testify at the hearing.

We accept the Stipulation and Proposal For Settlement entered into between the parties. The information indicates that neither the discomfort suffered by the citizens was long lasting nor does it appear that the emissions had a significantly adverse environmental impact. The problem now appears to be resolved. Union Oil has shown good faith in the expenditure of substantial sums to control its emissions. While we customarily do not assess a penalty without finding a violation, it is clear that we have the power to do so in a Settlement such as this. If the Proposal For Settlement were rejected, the case would be remanded for further hearings. Public interest and the environment would not be served by such action. An agreement in a Stipulation means that the parties waive all right of appeal. In this case, we believe that the public interest is adequately protected by Board acceptance of this Stipulation and Proposal For Settlement.

This Opinion constitutes the findings of fact and conclusions of law of the Board.

ORDER

IT IS THE ORDER of the Pollution Control Board that:

1. Respondent pay \$3,000 to the State of Illinois pursuant to the Terms of Settlement established in this Opinion. Payment shall be by certified check or money order payable to the State of Illinois, Fiscal Services Division, Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706. Payment shall be made within 30 days of the adoption of this Order.
2. The Complaint is hereby dismissed with prejudice.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 6th day of February, 1975, by a vote of 4 to 0.


Christan L. Moffett