

ILLINOIS POLLUTION CONTROL BOARD
June 6, 1994

PEOPLE OF THE)	
STATE OF ILLINOIS,)	
)	
Complainant,)	PCB 93-59
)	(Enforcement)
v.)	
)	
FREEDOM OIL COMPANY,)	
)	
Respondent.)	

SUPPLEMENTAL OPINION AND ORDER OF THE BOARD (by M. McFawn):

Pursuant to Section 101.301 of the Board's Procedural Rules (35 Ill. Adm. Code 101.301), the Board on its own initiative will correct the clerical error contained in its Opinion and Order of May 5, 1994 in this matter. At page 11 of the Opinion and Paragraph 3 of the Order at page 12, the penalty assessed in this case is recited as fifteen thousand dollars (\$15,000). This is in error. By a vote of 6-0, with one member concurring, on that day the Board assessed a penalty in this matter of thirty thousand dollars (\$30,000). The Opinion and Order of May 5, 1994 should correctly read that the penalty assessed respondent is \$30,000.

For the convenience of all concerned, the correct order is set forth in its entirety below. Finally, given the nature of this clerical error, the Board believes that the 35 day period for appeal of this order pursuant to Section 41 of the Act restarts upon the service of this order. Similarly, the time for payment of the penalty and fees assessed is 35 days from date of this order.

ORDER

- 1) Freedom Oil Company is hereby found to have violated 35 Ill. Adm. Code 731.162 and 731.163 by failing to comply with the investigation and reporting requirements for a November 21, 1989 release at its facility in Savoy, Champaign County and an April 4, 1991 release at its facility in Oblong, Crawford County.
- 2) Freedom Oil Company shall submit properly completed 20 and 45 day reports and sampling data for the releases at the Savoy and Oblong sites, as required by 35 Ill. Adm. Code Sections 731.162 and 731.163, and shall cease and desist from further violations of these Sections and related regulations.
- 3) Freedom Oil Company shall pay the sum of thirty thousand

dollars (\$30,000) within 35 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 for deposit 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
Springfield, IL 62794-9276

The certified check or money order shall clearly indicate on its face the case name and number, Freedom Oil Company's federal employer identification number or social security number, and that payment is directed to the Environmental Protection Trust Fund.

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.

- 5) Freedom Oil Company shall pay the State's attorneys' fees of one thousand five hundred dollars (\$1,500), and the State's costs of three hundred eight dollars and ninety cents (\$308.90), as detailed in the Affidavit of Jennifer M. Crain, filed June 24, 1993, for a total of one thousand eight hundred eight dollars and ninety cents (\$1,808.90). Such payment shall be made within 35 days of the date of this order by certified check or money order payable to the Treasurer of the State of Illinois, designated for deposit to the Hazardous Waste Fund, and shall be sent by First Class mail to:

Illinois Environmental Protection Agency
Fiscal Service Division
2200 Churchill Road
Springfield, Illinois 62706

The certified check or money order shall clearly indicate on its face the case name and number, Freedom Oil Company's federal employer identification number or social security number, and that payment is directed to the Hazardous Waste Fund.

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

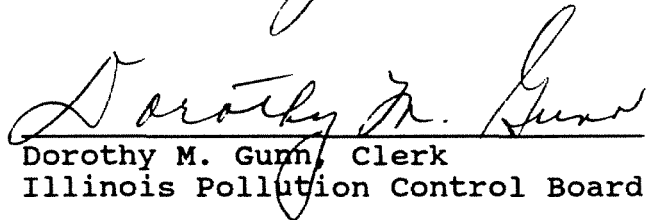
is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

IT IS SO ORDERED.

Board member J. Theodore Meyer concurred.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1992)) provides for 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, do hereby certify that the above supplemental opinion and order was adopted on the 6th day of June, 1994, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board