

ILLINOIS POLLUTION CONTROL BOARD  
April 6, 2000

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 95-163  
) (Enforcement - Air, Water, RCRA)  
CLARK REFINING AND MARKETING, )  
INC., )  
)  
Respondent. )

OPINION AND ORDER OF THE BOARD (by R.C. Flemal):

On March 1, 2000, the parties filed a final stipulation and proposal for settlement accompanied by a motion requesting relief from the hearing requirement pursuant to Section 31(c)(2) of the Environmental Protection Act (Act) (415 ILCS 5/31(c)(2) (1998)). The Board accepts the final stipulation and proposal for settlement filed by the parties in this matter. The amended complaint alleged that respondent violated Section 9(b) of the Act (415 ILCS 5/9(b) (1998)) and 35 Ill. Adm. Code 201.142 and 201.143 by constructing and operating air pollution control equipment without a permit.<sup>1</sup>

Pursuant to Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), the Board caused publication of the required newspaper notice of the stipulation and proposal for settlement and request for relief from the hearing requirement. The notice appeared in the *The Telegraph* on March 10, 2000. The Board did not receive any requests for hearing. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation and proposal for settlement sets forth the facts relating to the nature, operations, and circumstances surrounding the allegations in the complaint. Respondent admits the alleged violations and agrees to pay a civil penalty of \$37,500. Respondent must continue to comply with any federal, State, or local regulations including, but not limited to, the Act and the Board's regulations.

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

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<sup>1</sup> The other allegations in the amended complaint were resolved in orders issued by the Board on January 23, 1997, and September 17, 1998.

ORDER

1. The Board hereby accepts the final stipulation and settlement agreement executed by the People of the State of Illinois and Clark Refining & Marketing, Inc., a Delaware corporation, regarding its facility located in Hartford, Madison County, Illinois. The final stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. The respondent shall pay the sum of \$37,500 within 30 days of the date of this order. Such payment shall be made by corporate or certified check payable to the Treasurer of the State of Illinois, designated to the Environmental Protection Trust Fund. The case number, case name, and the respondent's federal employer identification number 43-1491230 shall also be included on the check and should clearly indicate that payment is directed to the Environmental Protection Trust Fund.
3. The check shall be sent by first class mail to:

Illinois Environmental Protection Agency  
Fiscal Services Division  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

A copy of the payment transmittal and check shall be simultaneously submitted to:

Donna Lutes  
Office of the Attorney General  
Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706

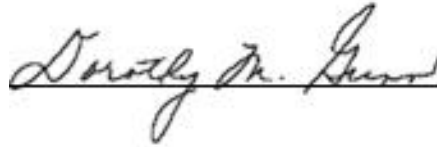
4. Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (35 ILCS 5/1003 (1998)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.
5. Respondent shall cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service

of this order. Illinois Supreme Court Rule 335 establish such filing requirements. See 172 Ill. 2d R. 335; see also 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 6th day of April 2000 by a vote of 7-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn". The signature is written in black ink and is positioned above a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board