

ILLINOIS POLLUTION CONTROL BOARD

October 21, 1999

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 99-112
) (Enforcement - Water)
 BI-PETRO, INC., an Illinois corporation and,)
 TIMBERLAKE TRANSPORTATION AND TRANSFER,)
 INC. an Illinois corporation,)
)
 Respondents.)

OPINION AND ORDER OF THE BOARD (by N.J. Melas):

On September 20, 1999, the parties filed a stipulation and proposal for settlement. The Board accepts the stipulation and proposal for settlement filed by the parties in this matter. The complaint alleged that respondent violated Sections 12(a) and 12(f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), 12(f) (1998)) and 35 Ill. Adm. Code 302.203, 302.204, 302.206, 302.212(a), 302.208(e), 304.141(b), 304.120(c), 304.124(a), and 309.102(a) by causing, threatening, or allowing the repeated discharge of condensed molasses solubles, which resulted in the contamination of the Flat Branch of the South Fork of the Sangamon River and a subsequent fish kill.

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 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 total civil penalty of \$25,000. 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.

ORDER

1. The Board hereby accepts the stipulation and settlement agreement executed by the People of the State of Illinois and **Bi-Petro, Inc. (Bi-Petro)**, an Illinois corporation and Timberlake Transportation and Transfer, Inc. (Timberlake), an Illinois corporation, regarding a facility located in Christian County, Illinois. The stipulation and settlement agreement is incorporated by reference as though fully set forth herein.
2. Respondent shall pay the sum of total \$25,000 concluding no later than April 18, 2000. Payment shall be made pursuant to the following schedule:
 - a. \$8,500 within sixty (60) days from the date of this final Board order approving the parties' stipulation and proposal for settlement;
 - b. The second payment of \$8,500 shall be due sixty (60) days after the due date of the previous payment; and

- c. A final payment of \$8,000 is due 180 days after the entry of this order.

Such payments 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. The case number, case name, and respondents' federal employer identification numbers (Bi-Petro's is 37-0968365 and Timberlake's is 37-1220380) shall also be included on the check (or money order) and should clearly indicate that payment is directed to the Environmental Protection Trust Fund.

3. The check (or money order) 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:

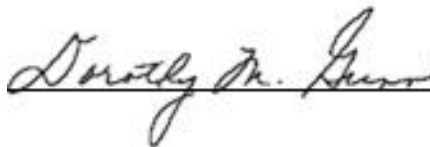
Office of the Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706

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 21st day of October 1999 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board