

ILLINOIS POLLUTION CONTROL BOARD  
June 19, 1997

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
)  
Complainant, ) PCB 97-93  
) (Enforcement - Air)  
v. )  
)  
ASHLAND INC., a Kentucky corporation, )  
)  
Respondent. )

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

This matter comes before the Board upon a two-count complaint filed November 25, 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 Ashland Inc. (Ashland), a Kentucky corporation, regarding its gasoline dispensing facilities located at 22 West 275 North Avenue, Glen Ellyn, DuPage County, 8716 Ogden Avenue, Lyons, Cook County, 15301 South Harlem, Oak Forest, Cook County, 855 East Touhy Avenue, Des Plaines, Cook County, 8000 West 95<sup>th</sup> Street, Hickory Hills, Cook County, 1021 North Rand Road, Arlington Heights, Cook County, and 1010 North Milwaukee, Deerfield, Lake County.

The complaint alleges Ashland violated Sections 9(a) and 9(b), of the Illinois Environmental Protection Act (Act) (415 ILCS 5/9(a), 9(b), (1996)); 35 Ill. Adm. Code 218.586(c) and (d), 201.142, and 201.143, by dispensing motor vehicle fuel without a properly certified vapor collection and control system and by constructing and operating air pollution control equipment without a permit.

On May 16, 1997, the parties filed a stipulation, settlement agreement, and a joint motion requesting relief from the requirement of Section 31(c)(2) that proposed stipulation and settlement agreements be presented at hearing. (415 ILCS 5/31(c)(2)(1996)). The Board published a notice of the waiver on May 19, 21, and 22, 1997. No objection to the granting of the waiver was received. Accordingly, the Board grants a waiver from the hearing requirement.

The stipulation sets forth facts relating to the nature, operations and circumstances surrounding the claimed violations. Ashland neither admits nor denies the alleged violations and agrees to pay a civil penalty of twenty-five thousand dollars (\$25,000.00).

The Board finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. The Board notes that acceptance of this stipulation and settlement agreement moots all pending

motions before the Board. 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 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 against Ashland Inc. (Ashland), a Kentucky corporation, regarding its gasoline dispensing facilities located at 22 West 275 North Avenue, Glen Ellyn, DuPage County, 8716 Ogden Avenue, Lyons, Cook County, 15301 South Harlem, Oak Forest, Cook County, 855 East Touhy Avenue, Des Plaines, Cook County, 8000 West 95<sup>th</sup> Street, Hickory Hills, Cook County, 1021 North Rand Road, Arlington Heights, Cook County, and 1010 North Milwaukee, Deerfield, Lake County. The stipulation and settlement agreement are incorporated by reference as though fully set forth herein.
- 2) Ashland shall pay the sum of twenty-five thousand dollars (\$25,000.00) 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 Ashland's Federal Employer Identification Number 61-0122250 and that payment is directed to the Environmental Protection Trust Fund. A copy of the payment transmittal and the certified check or money order shall be simultaneously sent by First Class mail to:

Thomas S. Godziak  
Assistant Attorney General  
Environmental Bureau  
Attorney General's Office  
100 West Randolph Street, 11<sup>th</sup> Floor  
Chicago, IL 60601

Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in Section 1003(a) of the Illinois Income Tax Act, (35 ILCS

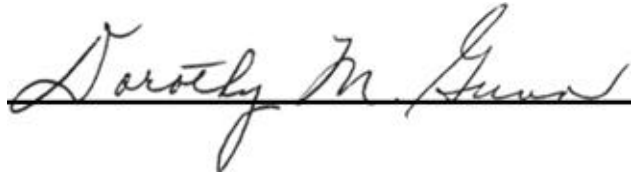
5/1003 (1996)), as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

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

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1996)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of the date of service of this opinion and 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 order was adopted on the 19th day of June 1997, by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a solid horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board