

BEFORE THE POLLUTION CONTROL BOARD

RECEIVED  
CLERK'S OFFICE

OCT - 6 2004

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF )  
ILLINOIS )

Complainant, )

v. )

PCB NO. 99-120  
(Enforcement)

WOOD RIVER REFINING )  
COMPANY, a division of )  
EQUILON ENTERPRISES LLC, )

Respondent. )

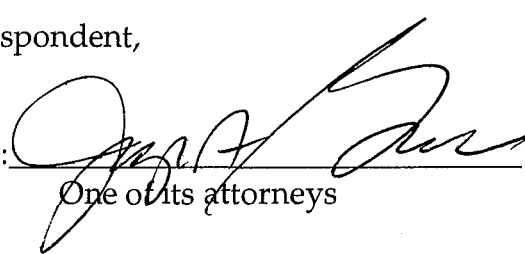
NOTICE OF FILING

To: Thomas Davis, Esq.  
Assistant Attorney General  
Environmental Bureau  
Illinois Attorney General's Office  
500 South Second Street  
Springfield, Illinois 62706

Carol Sudman  
Hearing Officer  
Illinois Pollution Control Board  
Suite 402  
600 S. Second Street  
Springfield, Illinois 62704

PLEASE TAKE NOTICE that on October 6, 2004, we filed with the clerk of the Illinois Pollution Control Board an original and nine copies of Respondent's Motion to Modify Order, a copy of which is attached hereto and herewith served upon you.

Respondent,

By:   
One of its attorneys

Dated: October 6, 2004

Joseph A. Girardi  
Henderson & Lyman  
175 W. Jackson Boulevard  
Suite 240  
Chicago, Illinois 60604  
(312) 986-6960

PROOF OF SERVICE BY MAIL

I, Janet Baumann, a non-attorney on oath, state that I served a copy of this Notice and Respondent's Motion to Modify Order on the above-named individuals at the above addresses by depositing the same in the U.S. mail at 175 West Jackson Boulevard, Chicago, Illinois 60604 at or before 5:00 p.m. on October 6, 2004.

Janet Baumann

Subscribed and sworn to before  
me this 6th day of October, 2004.

Julie A Downey  
Notary Public



BEFORE THE POLLUTION CONTROL BOARD

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OCT - 6 2004

STATE OF ILLINOIS  
Pollution Control Board

PEOPLE OF THE STATE OF )  
ILLINOIS )

Complainant, )

v. )

WOOD RIVER REFINING )  
COMPANY, a division of )  
EQUILON ENTERPRISES LLC )

Respondent. )

PCB NO. 99-120  
(Enforcement)

MOTION TO MODIFY ORDER

Respondent Wood River Refining Company, a division of Equilon Enterprises LLC, by its attorneys, pursuant to 35 Ill. Adm. Code 101.520, moves to modify the final order of the Pollution Control Board entered on September 16, 2004, to delete paragraph 5 of the order regarding a cease and desist requirement, and as grounds, states:

1. Complainant People of the State of Illinois brought this action against Respondent Wood River Refining Company, a division of Equilon Enterprises LLC, alleging Respondent violated certain provisions of the Environmental Protection Act and the Pollution Control Boards rules, as codified in the Illinois Administrative Code, relating to alleged incidents at Respondent's former refinery in Wood River, Illinois.

2. On July 30, 2004 Complainant and Respondent filed a stipulation and proposed settlement of this matter, together with a request for relief from hearing. Exhibit 1. After publication and not receiving any requests for a hearing, the Board entered its order of September 16, 2004 ("Order"), in which the Board, *inter alia*, granted the request for relief

from hearing. Exhibit 2.

3. In paragraphs 1 – 4 of the Order the Board accepted the stipulation and proposed settlement, ordered Respondent to pay the civil penalty proposed in the stipulation, and directed where and when the civil penalty is to be paid. In paragraph 5 of the Order the Board also ordered that Respondent shall “cease and desist from the alleged violations”. Exhibit 2, para. 5. The stipulation and proposed settlement submitted by parties, however, does not contain any cease and desist language or requirement; thus, Respondent requests the Order be modified to delete paragraph 5.

4. Respondent completed any remedial action required by Complainant well prior to the stipulation and settlement being proposed in July, 2004. Respondent sold the refinery where the violations are alleged to have occurred in June, 2000, approximately four (4) years prior to the stipulation and settlement being proposed, and Respondent has not owned or operated the refinery since that time. Thus, at the time of negotiating the stipulation and settlement agreement, substantially all that remained to be resolved was the amount of any civil penalty. Language requiring Respondent to cease and desist from the violations alleged was not relevant nor necessary under the circumstances of this matter, as (a) the violations alleged have been remediated and no longer continue, and (b) Respondent, no longer being the owner or operator of the refinery, could not commit or continue to commit the violations alleged.

5. For these reasons Complainant and Respondent specifically agreed not to include any cease and desist language or requirement, and Respondent, therefore, requests the

Board modify the Order to delete paragraph 5. Concomitantly, Respondent also requests the Board modify the Order to extend the period of time within which Respondent must pay the civil penalty until after the Board had ruled on this Motion.

6. Mr. Thomas Davis, Assistant Attorney General, has advised Respondent that Complainant does not object to, and intends to join in, this motion.

WHEREFORE Respondent respectfully requests that the Board (a) modify its Order of September 16, 2004 to delete paragraph 5 and any cease and desist type of requirement, (b) modify its Order of September 16, 2004 to extend the period of time within which Respondent must pay the civil penalty until after the Board had ruled on this Motion, and (c) enter such other and further relief as deemed just.

Respectfully submitted,

Wood River Refining Company, a  
division of Equilon Enterprises LLC

By: 

One of its attorneys

Joseph A. Girardi  
Henderson & Lyman  
175 W. Jackson Boulevard  
Suite 240  
Chicago, Illinois 60604  
(312) 986-6960

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB NO. 99-120  
) (Enforcement)  
WOOD RIVER REFINING COMPANY, )  
a Division of EQUILON ENTERPRISES, LLC, )  
)  
Respondent. )

NOTICE OF FILING

To: Mr. Joseph A. Girardi  
Henderson & Lyman  
175 West Jackson Blvd.  
Chicago, IL 60604

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, a MOTION FOR RELIEF FROM HEARING REQUIREMENT and a STIPULATION AND PROPOSAL FOR SETTLEMENT, copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

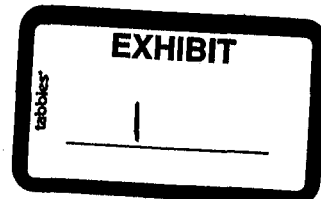
PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN  
Attorney General of the  
State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY: \_\_\_\_\_  
THOMAS DAVIS  
Assistant Attorney General  
Environmental Bureau

500 South Second Street  
Springfield, Illinois 62706  
217/782-9031  
Dated: July 29, 2004



People vs. Wood River Refining Co., PCB No. 99-120

CERTIFICATE OF SERVICE

I hereby certify that I did on July 29, 2004, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the foregoing instrument entitled NOTICE OF FILING, MOTION FOR RELIEF FROM HEARING REQUIREMENT and STIPULATION AND PROPOSAL FOR SETTLEMENT upon:

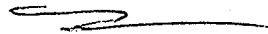
Mr. Joseph A. Girardi  
Henderson & Lyman  
175 West Jackson Blvd.  
Chicago, IL 60604

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s):

To: Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
Suite 11-500  
100 West Randolph  
Chicago, Illinois 60601

A copy was also sent by First Class Mail with postage thereon fully prepaid

To: Ms. Carol Sudman  
Hearing Officer  
Pollution Control Board  
600 South Second Street, Suite 402  
Springfield, IL 62704



---

Thomas Davis  
Assistant Attorney General

Environmental Bureau  
500 South Second Street  
Springfield, Illinois 62706  
(217) 782-9031

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>PEOPLE OF THE STATE OF ILLINOIS,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
vs.	)	<b>PCB No. 99-120</b>
	)	<b>(Enforcement)</b>
<b>WOOD RIVER REINING COMPANY,</b>	)	
<b>a Division of EQUILON</b>	)	
<b>ENTERPRISES, L.L.C.,</b>	)	
	)	
<b>Respondents.</b>	)	

**MOTION FOR RELIEF FROM HEARING REQUIREMENT**

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(c)(2) (2002), moves that the Illinois Pollution Control Board grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2002). In support of this motion, Complainant states as follows:

1. Complainant has filed a Complaint with the Board, alleging air pollution and waste storage/disposal violations by the Respondents.
2. The parties have reached agreement on all outstanding issues in this matter.
3. This agreement is presented to the Board in a Stipulation and Proposal for Settlement, filed contemporaneously with this motion. This document has been corrected on pages 1, 3, 11, and 15 to accurately indicate that Wood River was a division of Equilon, rather than a separately incorporated entity; these corrections have been initialed by the parties.



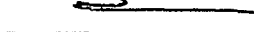
4. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not necessary, and respectfully request relief from such a hearing as allowed by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2002).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby request that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS  
LISA MADIGAN  
ATTORNEY GENERAL

MATTHEW J. DUNN, Chief  
Environmental Enforcement/Asbestos  
Litigation Division

BY:   
THOMAS DAVIS, Chief  
Environmental Bureau  
Assistant Attorney General

500 South Second Street  
Springfield, Illinois 62706  
217/782-7968  
Dated: 7/28/04

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS, )

Complainant, )

v. )

PCB NO. 99-120

(Enforcement)

WOOD RIVER REFINING COMPANY, ~~a~~ )

~~Delaware corporation, and~~ )

formerly a Division of EQUILON )

ENTERPRISES, LLC., )

Respondent. )

STIPULATION AND PROPOSAL FOR SETTLEMENT

NOW COMES the Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, at the request of the Illinois Environmental Protection Agency, and Respondent, WOOD RIVER REFINING COMPANY, and hereby submit this Stipulation and Proposal for Settlement ("Stipulation"). The parties agree that this Stipulation is a compromise of a disputed claim. The parties further agree that the statement of facts contained in this Stipulation is made and agreed upon for the purposes of settlement only and that neither the fact that a party has entered into the Stipulation, nor any of the facts stipulated herein, shall be introduced into evidence in this or any other proceeding except to enforce the terms hereof by the parties to this Stipulation. This Stipulation shall be null and

void unless the Board approves and disposes of this matter on each and every one of the terms and conditions of the Stipulation set forth herein.

I.

JURISDICTION

The Board has jurisdiction of the subject matter herein and of the parties consenting hereto pursuant to the Act, 415 ILCS 5/1 et seq. (1998).

II.

AUTHORIZATION

The undersigned representatives for each party certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

III.

APPLICABILITY

This Stipulation shall apply to and be binding upon the Complainant and Respondent and any officer, director, agent, employee or servant of Respondent, as well as the Respondent's successors and assigns. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of its officers, directors, agents, servants, or employees to take such action as shall be required to comply with the provisions of this Stipulation.

IV.

STATEMENT OF FACTS

**The Parties**

1. The Illinois Environmental Protection Agency ("Illinois EPA") is an administrative agency established in the executive branch of State government by Section 4 of the Act, 415 ILCS 5/4 (1998) and is charged, *inter alia*, with the duty of enforcing the Act. This action was instituted on the Attorney General's own motion.

2. Respondent, Wood River Refining Company, ("Wood River"), ~~formerly~~ a Division of Equilon Enterprises LLC, is a ~~Delaware corporation~~ <sup>TD</sup> authorized to do business in Illinois. Its registered agent is C.T. Corporation, 208 South LaSalle Street, Chicago, Illinois 60604-1136.

**The Facility**

3. At all time periods relevant to the Complaint, the Respondent owned or operated a petroleum refinery and associated tank farms, the Wood River refinery ("Facility"), located at 900 South Central Avenue, Roxana, Illinois 62084. From and after June 1, 2000 Respondent has not owned or operated the Facility.

**The Complaint**

4. On July 5, 2000, Complainant filed a Supplemental Complaint ("Complaint") against Respondent.

5. On September 22, 1995, the Illinois EPA issued

Respondent Operating Permit No. 72110637 for the distillate hydrotreater.

6. On July 22, 1992, the Illinois EPA issued Respondent Operating Permit No. 72110618 for the Rectified Absorber Unit ("RAU"). On August 12, 1994, the Illinois EPA issued Defendant Operating Permit No. 72110626 for Tank L-174.

7. In summary, the Complaint alleges the following:

- Count I: Complainant alleges Respondent caused or tended to cause air pollution in violation of Section 9(a) of the Act and 35 Ill. Adm. Code 201.141 (1996), as a result of a release of hydrodesulfurized middle distillate from the distillate hydrotreater unit at the Facility on July 2, 1998
- Count II: Complainant alleges that, as a result of a release of hydrodesulfurized middle distillate from the distillate hydrotreater unit at the Facility on July 2, 1998, Respondent failed to properly maintain the distillate hydrotreater so as not to cause air pollution in violation of Section 9(a) of the Act, 415 ILCS 5/9(a) (1998) and 35 Ill. Adm. Code 201.141 (1996), thus, the Respondent violated Section 9(b) of the Act and Special Condition No. 7 of Operating Permit No. 72110637;
- Count III: Complainant alleges Respondent violated regulations adopted by the Board in violation of Section 9(a) of the Act, in respect to certain above-ground storage tanks in volatile organic service, by failing to conduct visual inspections of the floating roof seals at least once every six months in violation of 35 Ill. Adm. Code 219.123(b)(4) (1996); by failing to maintain records of the visual inspections of the floating roof seals in violation of 35 Ill. Adm. Code 219.123(b)(6) (1996); by failing to maintain the secondary seals, intact and uniformly in place around the circumferences of floating roofs, in violation of 35 Ill. Adm. Code 219.124(a)(2)(A) (1996); by allowing the secondary seals to have gaps in excess of the limit of 1.0 square inch per foot of tank diameter, in violation of 35 Ill. Adm. Code

219.124(a)(2)(B) (1996); and by allowing the gauge hatches to be open on external floating roof tanks, in violation of 35 Ill. Adm. Code 219.123(b)(3)(A) (1996);

- Count IV: Complainant alleges Respondent caused or tended to cause air pollution in violation of Section 9(a) of the Act and 35 Ill. Adm. Code 201.141 (1996) as a result of a release of sulfur dioxide and nitrogen oxide from Catalytic Cracking Unit #1 through the Facility's north flare on June 25, 1999;
- Count V: Complainant alleges Respondent caused or tended to cause air pollution in violation of Section 9(a) of the Act and 35 Ill. Adm. Code 201.141 (1996) as a result of a release of hydrogen sulfide from the pressure relief valve on the Rectified Absorber Unit on July 1, 1999;
- Count VI: Complainant alleges that Respondent violated Section 9(b) of the Act, 415 ILCS 5/9(b) (1998) and Standard Condition No. 7 of Operating Permit No. 72110618 by failing to properly maintain the Rectified Absorber Unit so as not to cause air pollution in violation of Section 9(a) of the Act and 35 Ill. Adm. Code 201.141 (1996);
- Count VII: Complainant alleges Respondent caused or tended to cause air pollution in violation of Section 9(a) of the Act and 35 Ill. Adm. Code 201.141 (1996) as a result of an explosion in an asphalt storage tank L-174 at the Facility that released mineral or rock wool and asbestos on January 25, 2000;
- Count VIII: Complainant alleges Respondent violated Section 9(b) of the Act and Standard Condition No. 7 of Operating Permit No. 72110637 by failing to properly maintain the floating roof on asphalt storage tank L-174 so as not to cause air pollution in violation of Section 9(a) of the Act and 35 Ill. Adm. Code 201.141 (1996);
- Count IX: Complainant alleges that on July 14, 1998 Respondent violated Section 21(e) of the Act and 35 Ill. Adm. Code 722.112(c) (1996) by shipping hazardous waste to the Roxana Landfill, which is not permitted to receive or dispose of hazardous waste and has not received a USEPA identification number

Count X: Complainant alleges that on July 14, 1998 Respondent violated Section 21(e) of the Act and 35 Ill. Adm. Code 722.120(a) and (b) (1996) by failing to properly prepare manifests for transportation of hazardous waste, and by failing to designate a facility which is permitted to accept and dispose of hazardous waste;

Count XI: Complainant alleges that on July 14, 1998 Respondent violated Section 21(e) of the Act and 35 Ill. Adm. Code 722.133 (1996) by failing to properly placard or offer the initial transporter the appropriate placards for transportation of hazardous waste pursuant to Department of Transportation regulations;

Count XII: Complainant alleges that on July 14, 1998 Respondent violated Section 21(e) of the Act and 35 Ill. Adm. Code 728.107(a)(1) (1996) by failing to notify the Roxana Landfill in writing of the appropriate treatment standard and any applicable prohibition levels for hazardous waste; and

Count XIII: Complainant alleges that on July 14, 1998, as a result of the disposal of hazardous waste, Respondent violated Section 21(e) of the Act, and 35 Ill. Adm. Code 728.138(a) (1993).

#### **The Answer and Affirmative Defenses**

Respondent filed an answer to the Complaint and Affirmative Defenses to the Complaint. On August 8, 2002, the Board, following Complainant's Motion to Strike Affirmative Defenses, granted the Motion to Strike in part and denied the Motion to Strike in part.

V.

#### **IMPACT ON THE PUBLIC RESULTING FROM NON-COMPLIANCE**

Section 33(c) of the Act, 415 ILCS 5/33(c) (1998), provides;

c. In making its orders and determinations, the

Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question or priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors, the parties state as follows:

1. Complainant contends that injury to, and interference with, the protection of the health, general welfare, and physical property of the People occurred as the result of air and land pollution attributable to the facility and the degree of injury was dependent upon the degree of exposure to that pollution. The Complainant further states that Respondent's shipment of hazardous waste to the Roxana Landfill, which is not permitted to receive or dispose of hazardous waste, interfered with the protection of the health, general welfare and physical property



of the People. Respondent contends that no violations of the Act, the Illinois Administrative Code or any operating permits occurred, and that any occurrences were of a minor duration and gravity which did not injure or interfere with the protection of the health, general welfare and physical properties of the People.

2. The Parties agree that Respondent's former Facility is of social and economic benefit;

3. The Parties agree that the Facility is located in an industrial area adjacent to residential areas, but that the Facility existed at this location before the residential areas were developed;

4. Complainant contends that complying with the Act and regulations is technically, practicable and economically reasonable, which Respondent, in respect to certain specific areas, denies, and;

5. The Parties agree that Respondent implemented measures subsequent to the occurrences in order to minimize the risk of similar future occurrences.

## VI.

### CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (P.A.93-0575, eff. 01/01/2004), provides:

h. In determining the appropriate civil penalty to be imposed under subdivisions (a), (b) (1),

(b) (2), (b) (3), or (b) (5) of this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with the requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency; and
7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform.

In response to these factors, the parties state as follows:

1. Complainant contends the alleged violations occurred on specific dates intermittently between July 2, 1998, and January 25, 2000, but contends that Respondent's failure to maintain the equipment was continuous in nature. In addition, Complainant contends that the violations were aggravated by the Respondent's shipment of hazardous waste to the Roxana landfill, failure to properly prepare manifests for the transportation of hazardous waste, failure to placard the hazardous material, and the inappropriate disposal of hazardous waste. Respondent denies it failed to maintain the equipment and denies that any violation of the Act, the Illinois Administrative Code or any operating permits occurred. Respondent further contends that if any violation occurred it was minimal in duration and gravity, and any impact on public or private property was minimal and immediately responded to and resolved by Respondent.

2. The Parties agree that Respondent is paying for part of the cost of an eight-year program being conducted by the current owner of the Facility to inspect and repair storage tanks.

3. Complainant contends the economic benefit of Respondent's noncompliance is the savings realized by not having in place an adequate inspection and preventative maintenance program to ensure proper operations and maintenance of the

affected equipment. In addition, the economic benefit of Respondent's noncompliance is the savings realized by not incurring disposal costs at a hazardous waste disposal facility.

Respondent denies it derived any economic benefit as Complainant contends. Nonetheless, the Parties stipulate that any economic benefit realized by Respondent is less than the amount of the penalty agreed upon herein.

4. The Complainant has determined that a penalty of one hundred and twenty-six thousand dollars (\$126,000.00) is reasonable and will serve to deter further violations and to otherwise aid in enhancing voluntary compliance with the Act and Board regulations by Respondent and other persons similarly subject to the Act;

5. Complainant is unaware of any previously adjudicated violations of the Act by the Respondent, Wood River Refining Company, ~~formerly~~ a division of Equilon Enterprises; TD

6. Self-disclosure is not at issue in this matter.

7. The settlement of this matter does not include a supplemental environmental project.

#### VII.

#### TERMS OF SETTLEMENT

A. The Respondent shall pay a penalty of one hundred twenty-six thousand dollars (\$126,000.00) into the Illinois Environmental Protection Trust Fund within thirty (30) days from

the date on which the Board adopts a final order approving this Stipulation. Payment shall be made by certified check or money order payable to the Illinois EPA, designated to the Environmental Protection Trust Fund, and shall be sent by first class mail to:

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

Respondent's Federal Employer Identification Number ("FEIN") shall be written upon the certified check or money order.

Respondent's FEIN is: 52-2074528

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

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

Kyle Davis  
Illinois Environmental Protection Agency  
Division of Legal Counsel  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

- C. i. Pursuant to Section 42(g) of the Act, 415 ILCS 5/42(g), interest shall accrue on any penalty amount owed by the Respondent not paid within the time prescribed herein, at the maximum rate

allowable under Section 1003(a) of the Illinois Income Tax Act, 35 ILCS 5/1003(a).

- ii. Interest on unpaid penalties shall begin to accrue from the date the penalty is due and continue to accrue to the date payment is received by the Illinois EPA.
- iii. All interest on penalties owed the Complainant shall be paid by certified check or money order payable to the Illinois EPA for deposit in the EPTF at the above-indicated address. Respondent's Federal Employer Identification Number ("FEIN") shall be written upon the certified check or money order.

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

#### VIII.

#### COMPLIANCE WITH OTHER LAWS AND REGULATIONS

This Stipulation and Proposal for Settlement in no way affects the responsibility of Respondent to comply with any federal, state, or local regulations, including but not limited to the Act, 415 ILCS 5/1 et seq. and the Board's Regulations, 35 Ill. Adm. Code, Subtitles A through H.

IX.

DISCHARGE OF LIABILITY

In consideration of and following Complainant's receipt of Respondent's payment of the civil penalty set forth in Section VII hereof, Complainant releases, waives and forever discharges Respondent and its parent, related and affiliated entities from any liability or penalties for violations of the Act, the Illinois Administrative Code and any operating permits which were the subject matter of the Complaint herein. However, covered matters do not include:


- i) Criminal liability;
- ii) Claims based on Respondent's failure to meet the requirements of this Stipulation and Proposal for Settlement;
- iii) Liability for future violation of state, local, federal, and common laws and/or regulations; and
- iv) Any future liability for natural resource damage or for removal, cleanup, or remedial action as a result of a release of hazardous substances or the liability of Respondent under Section 22.2(f) of the Act, 415 ILCS 5/22.2(f) (1996), or under the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. §§ 9601-9675).

WHEREFORE, Complainant and Respondent request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS,

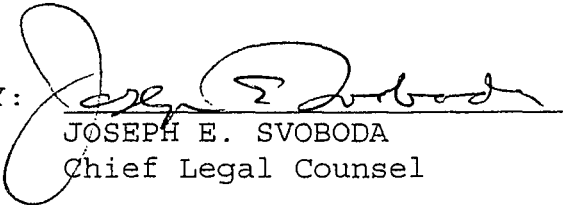
LISA MADIGAN  
Attorney General  
State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/  
Asbestos Litigation Division

BY:   
THOMAS DAVIS, Chief  
Environmental Bureau  
Assistant Attorney General


DATE: 7/28/04

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

BY:   
JOSEPH E. SVOBODA  
Chief Legal Counsel

DATE: 4/30/04

*HT*  
WOOD RIVER REFINING COMPANY, a  
~~Delaware corporation, and formerly a~~  
Division of EQUILON ENTERPRISES, LLC

BY:   
Name: R.C. GOLTZER  
Title: VP Manufacturing

*TD*  
DATE: 7/15/04



ILLINOIS POLLUTION CONTROL BOARD  
September 16, 2004

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 99-120  
) (Enforcement – Air, Land)  
WOOD RIVER REFINING COMPANY, a )  
division of EQUILON ENTERPRISES, LLC, )  
)  
Respondent. )

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

On February 23, 1999, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Wood River Refining Company. *See* 415 ILCS 5/31(c)(1) (2002); 35 Ill. Adm. Code 103.204. On July 5, 2002, the People filed a supplemental complaint against respondent. The People allege that respondent violated Sections 9(a), 9(b), 21(e) of the Environmental Protection Act (Act) (415 ILCS 5/9(a), (b), and 21(e) (2002)). The People further allege that respondent violated the Board's rules at 35 Ill. Adm. Code 201.141, 219.123(b)(4) and (6), 219.123 (b)(3)(A), 219.124(a)(2)(A) and (B), 722.112(c), 722.120(a), 722.123, 728.107(a)(1), and 728.138(a). The People assert that respondent violated these provisions by releasing contaminants into the air and improperly transporting solid waste to landfills. The complaint concerns respondent's petroleum refining facility at 900 South Central Avenue, Roxana, Madison County.

On July 30, 2004, the People and respondent filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2002)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2002)). *See* 35 Ill. Adm. Code 103.300(a). The Board provided notice of the stipulation, proposed settlement, and request for relief from hearing. The Board published newspaper notice in *Alton Telegraph* on August 8, 2004. The Board did not receive any requests for hearing. The Board grants the parties' request for relief from the hearing requirement. *See* 415 ILCS 5/31(c)(2) (2002); 35 Ill. Adm. Code 103.300(b).

Section 103.302 of the Board's procedural rules sets forth the required contents of stipulations and proposed settlements. 35 Ill. Adm. Code 103.302. These requirements include stipulating to facts on the nature, extent, and causes of the alleged violations and the nature of respondent's operations. Section 103.302 also requires that the parties stipulate to facts called for by Section 33(c) of the Act (415 ILCS 5/33(c) (2002)). The People and respondent have satisfied Section 103.302. Respondent denies the alleged violations and agrees to pay a civil penalty of \$126,000.

The Board accepts the stipulation and proposed settlement.

