ILLINOIS POLLUTION CONTROL BOARD September 16, 2004

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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 III. 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 III. 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.

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

ORDER

- 1. The Board accepts and incorporates by reference the stipulation and proposed settlement.
- 2. Wood River Refining Company must pay a civil penalty of \$126,000 no later than October 19, 2004, which is the 30th day after the date of this order. Wood River Refining Company must pay the civil penalty by certified check or money order, payable to Environmental Protection Trust Fund. The case number, case name, and Wood River Refining Company's social security number or federal employer identification number must be included on the certified check or money order.
- 3. Wood River Refining Company must send the certified check or money order to:

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

- 4. Penalties unpaid within the time prescribed will accrue interest under Section 42(g) of the Environmental Protection Act (415 ILCS 5/42(g) (2002)) at the rate set forth in Section 1003(a) of the Illinois Income Tax Act (35 ILCS 5/1003(a) (2002)).
- 5. Wood River Refining Company must cease and desist from the alleged violations.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2002); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702. I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above opinion and order on September 16, 2004, by a vote of 5-0.

Durety Mr. Sunn

Dorothy M. Gunn, Clerk Illinois Pollution Control Board