

ILLINOIS POLLUTION CONTROL BOARD  
June 6, 1991

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 91-20
	)	(Enforcement)
	)	
AMOCO PETROLEUM ADDITIVES	)	
COMPANY, a Delaware Corp.,	)	
	)	
Respondent.	)	

DENNIS J. ORSERY APPEARED ON BEHALF OF COMPLAINANT.

DALE IWATAKI APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by J.C. Marlin):

This matter comes before the Board upon a complaint filed January 31, 1991 on behalf of the People of the State of Illinois ("People"), by and through its attorney, Roland W. Burris, Attorney General of the State of Illinois, against Amoco Petroleum Additives Company ("Amoco"), located in Wood River, Madison County. The complaint alleges that Amoco has violated Section 9.1 of the Illinois Environmental Protection Act ("Act"), Ill. Rev. Stat. 1989, ch. 111½, pars. 1001, et. seq., and 40 CFR 61-242-6(a)(1), 40 CFR 61-242-1(d), 40 CFR 61-245(e)(2), 40 CFR 246(d)(4), 40 CFR 247.

Hearing on this matter was held May 10, 1991 in Edwardsville, Madison County. At hearing, the parties submitted a Stipulation and Settlement Agreement, executed by the parties. Amoco does neither admits or denies the alleged violations. Amoco agrees to pay a civil penalty of sixteen thousand dollars (\$16,000).

The Board has authority to impose a penalty where the parties have stipulated to a penalty, but not to a finding of violation. See, Chemetco, Inc. v. Illinois Pollution Control Board, 140 Ill. App.3d ,283, 488 N.E.2d 639, 643 (5th Dist. 1986); and Archer Daniels Midland v. Pollution Control Board, 140 Ill.App.3d 823, 489 N.E.2d 887 (3rd Dist. 1986).

The Board finds the Settlement Agreement acceptable under 35 Ill. Adm. Code 103.180. 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 pollution control 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 Amoco Petroleum Additives Company, concerning Amoco Petroleum Additives Company's operations located in Wood River, Madison County. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2.) Amoco Petroleum Additives Company shall pay the sum of sixteen thousand dollars (\$16,000) 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

Amoco Petroleum Additives Company shall also write its Federal Employer Identification Number or Social Security Number on the certified check or money order.

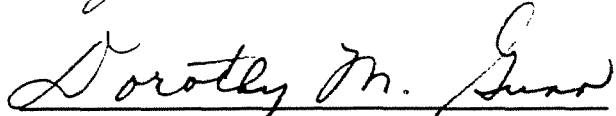
Any such penalty not paid within the time prescribed shall incur interest at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, (Ill. Rev. Stat. 1989, ch. 120, par. 10-1003); as now or hereafter amended, from the date payment is due until the date payment is received. Interest shall not accrue during the pendency of an appeal during which payment of the penalty has been stayed.

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1987, ch. 111½, par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

J.D. Dumelle concurred and J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 6<sup>th</sup> day of June, 1991, by a vote of 6-1.



Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board