

ILLINOIS POLLUTION CONTROL BOARD  
August 8, 1991

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 90-152  
 ) (Enforcement;  
 )  
 PANHANDLE EASTERN PIPELINE )  
 COMPANY, a Delaware corporation, )  
 )  
 Respondent. )

JOHN J. KIM APPEARED ON BEHALF OF THE COMPLAINANT.

PHILLIP DEUSCH APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by B. Forcade):

This matter comes before the Board upon a complaint filed August 8, 1990 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 Panhandle Eastern Pipeline Company ("Panhandle"), located in Tuscola, Douglas County, Illinois. The complaint alleges that Panhandle has violated Section 9(b) of the Illinois Environmental Protection Act ("Act"), Ill. Rev. Stat. 1989, ch. 111½, pars. 1001, et. seq. and 35 Ill. Adm. Code 201.142 and 201.143 of the Board's rules and regulations.

Hearings on this matter were held October 15, 1990 and July 15, 1991 in Tuscola, Douglas County, Illinois. At hearing, the parties submitted a Stipulation and Settlement Agreement, executed by the parties. The Stipulation sets forth facts pertaining to the nature, operations, and circumstances surrounding the claimed violations. Panhandle admits to past violations of Section 9(b) of the Act and 35 Ill. Adm. Code 201.144 and agrees to pay a civil penalty of five thousand dollars (\$5,000). Panhandle further agrees to cease and desist from the alleged violations.

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 Panhandle Eastern Pipeline Company, concerning violations of Section 9(b) of the Act and 35 Ill. Adm. Code Sections 201.142 and 201.143 by Panhandle Eastern Pipeline Company's operations located in Tuscola, Douglas County. The Stipulation and Settlement Agreement are incorporated by reference as though fully set forth herein.
- 2.) Panhandle Eastern Pipeline Company shall pay the sum of five thousand dollars (\$5,000) 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

Panhandle Eastern Pipeline 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 of 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. 1989, 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. Theodore Meyer dissented. J.D. Dumelle concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 8<sup>th</sup> day of August, 1991, by a vote of 6-1.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board