

ILLINOIS POLLUTION CONTROL BOARD
August 4, 2005

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 01-115
)	(Enforcement - Air, Water, Land)
VALLEY PETROLEUM, INC., an Illinois)	
corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by A. Moore):

On February 15, 2001, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a complaint against Valley Petroleum, Inc. (Valley Petroleum). *See* 415 ILCS 5/31(c)(1) (2004); 35 Ill. Adm. Code 103.204. The complaint concerns Valley Petroleum's service station at 260 Schmale Road, in Carol Stream, DuPage County. The parties now seek to settle without a public hearing. For the reasons below, the Board directs the Clerk to provide public notice of the parties' stipulation, proposed settlement, and request for relief from the hearing requirement.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2004)), the Attorney General and the State's Attorneys may bring actions before the Board to enforce Illinois' environmental requirements on behalf of the People. *See* 415 ILCS 5/31 (2004); 35 Ill. Adm. Code 103. In this case, the People allege that Valley Petroleum violated Sections 9(a), 12(a) and (d), and 57.6 of the Act (415 ILCS 5/9(a), 12(a) and (d), and 57.6 (2004)) and 35 Ill. Adm. Code 732.202, 732.300, and 732.302(d). According to the complaint, Valley Petroleum violated these provisions by (1) causing, threatening, or allowing air pollution; (2) causing, threatening, or allowing water pollution; (3) creating a water pollution hazard; (4) violating underground storage tank (UST) release 20-day and 45-day reporting requirements; (5) violating UST release response requirements; and (6) failing to file a free product report.

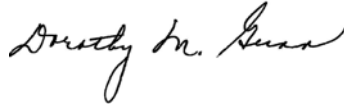
On July 25, 2005, the People and Valley Petroleum filed a stipulation and proposed settlement, accompanied by a request for relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2004)). This filing is authorized by Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (2004)), which requires that the public have an opportunity to request a hearing whenever the State and a respondent propose settling an enforcement action without a public hearing. *See* 35 Ill. Adm. Code 103.300(a). Under the proposed stipulation, Valley Petroleum neither admits nor denies the alleged violations but agrees to pay a civil penalty of \$10,000.

Unless the Board determines that a hearing is needed, the Board must cause notice of the stipulation, proposed settlement, and request for relief from the hearing requirement. Any person

may file a written demand for hearing within 21 days after receiving the notice. If anyone timely files a written demand for hearing, the Board will deny the parties' request for relief and hold a hearing. *See* 415 ILCS 5/31(c)(2) (2004); 35 Ill. Adm. Code 103.300(b), (c). The Board directs the Clerk of the Board to provide the required notice.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 4, 2005, by a vote of 5-0.

A handwritten signature in cursive script that reads "Dorothy M. Gunn".

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board