

ILLINOIS POLLUTION CONTROL BOARD
February 26, 1986

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	PCB 81-144
)	
MARATHON PETROLEUM COMPANY,)	
An Ohio Corporation,)	
)	
Respondent.)	

ORDER OF THE BOARD (by J.D. Dumelle):

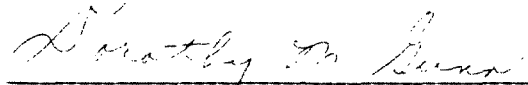
This enforcement action was filed on September 14, 1981 by the Illinois Environmental Protection Agency (Agency) against Marathon Petroleum Company (Marathon). On July 25, 1983, the parties filed a Stipulation to Certain Facts and Agreement for Conduct of Engineering Study. The Study was to be completed by March 31, 1984, or within six months after Board approval of the Stipulation, which ever occurs first. Since no activity in this matter had occurred since the filing of the Stipulation, on February 20, 1985, the Board ordered the matter to hearing within 60 days. Hearing was held on April 15, 1985, at which the parties discussed reaching a settlement. The Settlement Agreement along with a draft NPDES permit was submitted to the United States Environmental Protection Agency (USEPA) for its review and approval. After lengthy negotiations between the Agency and USEPA, a final version of the permit was sent to Marathon on October 3, 1985 for its review.

This case is one of the oldest cases presently before the Board, and the Board wishes to reach a decision on it as soon as possible. A Status Report was filed by the parties on October 30, 1985. The parties indicated that they were awaiting a decision on the USEPA draft NPDES permit by Marathon which was expected within two weeks of the date of the Status Report. Also, the Agency opined that the Settlement Agreement may not comport with the requirements set forth in the Board's Chemetco decision (PCB 83-2), and that it was awaiting the resolution of that case by the Appellate Court. The Fifth District Appellate Court decided Chemetco, Inc. v. Illinois Pollution Control Board and the Illinois Environmental Protection Agency on January 14, 1986. The events on which the parties were awaiting have, or should have, occurred. Therefore, the parties are hereby ordered to submit a Status Report on this proceeding to the Board on or before March 19, 1986. Unless this information is submitted to

the Board by the above date, this proceeding will be subject to dismissal.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 25th day of February, 1986 by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board