

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

February 22, 1999

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FEB 23 1999

STATE OF ILLINOIS
Pollution Control Board

PCB 99-120

Jim Ryan

ATTORNEY GENERAL

The Honorable Dorothy Gunn
Illinois Pollution Control Board
State of Illinois Center
100 West Randolph
Chicago, IL 60601

Re: People v. Wood River Refining Company

Dear Clerk Gunn:

Enclosed for filing please find the original and ten copies of a COMPLAINT in the above-captioned matter. Please file the original and return a file-stamped copy of the documents to our office in the enclosed self-addressed stamped envelope.

Thank you for your cooperation and consideration.

Sincerely,

Sally A. Carter
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

SAC:cc
Enclosures

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

v.

WOOD RIVER REFINING
COMPANY, a Delaware corporation,
and a Division of EQUILON
ENTERPRISES L.L.C.,

Respondents.

PCB NO. 99-120

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CLERK'S OFFICE

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STATE OF ILLINOIS
Pollution Control Board

NOTICE OF FILING

To: C.T. Corporation System
Registered Agent
208 South LaSalle Street
Chicago, Illinois 60604

PLEASE TAKE NOTICE that on this date I mailed for filing with the Clerk of the Pollution Control Board of the State of Illinois, COMPLAINT, a copy of which is attached hereto and herewith served upon you.

FURTHER, please take notice that financing may be available, through the Illinois Environmental Facilities Financing Act, 20 ILCS 3515/1 (1994), to correct the pollution alleged in the complaint filed in this case.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

JAMES E. RYAN
ATTORNEY GENERAL

MATTHEW J. DUNN, Chief
Environmental Enforcement Division

BY: Sally A. Carter
SALLY A. CARTER
Environmental Bureau
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
217/782-9031
Dated: 2/19/99

BEFORE THE POLLUTION CONTROL BOARD

RECEIVED
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FEB 23 1999

STATE OF ILLINOIS
Pollution Control Board

PEOPLE OF THE STATE OF
ILLINOIS,

Complainant,

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WOOD RIVER REFINING
COMPANY, a Delaware corporation,
and a Division of EQUILON
ENTERPRISES L.L.C.,

Respondent.

PCB NO. 99-120
(Enforcement)

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by JAMES E. RYAN, Attorney General of the State of Illinois, on his own motion complains of Respondent, WOOD RIVER REFINING COMPANY, as follows:

COUNT I

AIR POLLUTION

1. This Complaint is brought by the Attorney General on his own motion.
2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (1996), and charged, *inter alia*, with the duty of enforcing the Act in proceedings before the Illinois Pollution Control Board ("Board").
3. Respondent, Wood River Refining Company, ("Wood River"), a Division of Equilon Enterprises L.L.C., is a Delaware corporation authorized to do business in Illinois. Its registered agent is C.T. Corporation Systems, 208 South LaSalle Street, Chicago, Illinois 60604.

4. The Respondent operates a refinery located in South Roxana, Madison County, Illinois.

5. On September 22, 1995, the Illinois EPA issued Respondent operating permit No. 72110637 for the distillate hydrotreater. A copy of the Operating Permit No. 72110637 is attached hereto as Exhibit A.

6. Section 9(a) of the Act, 415 ILCS 5/9(a) (1996), provides:

No person shall:

- a. Cause or threaten or allow the discharge of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act;

* * *

7. Section 3.02 of the Act, 415 ILCS 5/3.02 (1996), defines "air pollution" as follows:

"AIR POLLUTION" is the presence in the atmosphere of one or more contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant, or animal life, to health, or to property, or to unreasonably interfere with the enjoyment of life or property.

8. Section 3.06 of the Act, 415 ILCS 5/3.06 (1996), defines "contaminant" as follows:

"CONTAMINANT" is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

9. Section 201.141 of the Board's Air Pollution Regulations, 35 Ill. Adm. Code 201.141 (1996), provides as follows:

Prohibition of Air Pollution

No person shall cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as, either alone or in combination with contaminants from other sources, to cause or tend to cause air pollution in Illinois, or so as to violate the provisions of this

Chapter, or so as to prevent the attainment or maintenance of any applicable ambient air quality standard.

10. On July 2, 1998, the Illinois EPA conducted a site visit to the Wood River refinery ("refinery"). While driving and walking in South Roxana next to the refinery, the inspectors observed a thin diesel coating on the homes and cars.

11. The inspection revealed that the refinery released gaseous hydrocarbons, hydrogen sulfide, and hydrodesulfurized middle distillate ("diesel fuel"), from the product fractionator in the distillate hydrotreater unit.

12. The release of gaseous hydrocarbons, hydrogen sulfide, and hydrodesulfurized middle distillate ("diesel fuel") by the Respondent has caused or tended to cause air pollution in the state.

13. As a result of the release of July 2, 1998, the contaminant, and the diesel fuel settled onto private and public property, thereby unreasonably interfering with the enjoyment of life and property.

14. By allowing the emission of contaminants, so as to cause or tend to cause air pollution in violation of the regulations or standards adopted by the Board, Respondent has violated Section 9(a) of the Act, 415 ILCS 5/9(a) (1996), and 35 Ill. Adm. Code 201.141 (1996).

PRAYER FOR RELIEF

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, WOOD RIVER REFINING COMPANY:

A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;

B. Finding that Respondent has violated the Act and regulations as alleged herein;

C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;

D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (1996), impose a civil penalty of up to fifty thousand dollars (\$50,000) for each violation that occurred on or after July 1, 1990, and an additional penalty of ten thousand (\$10,000) for each day during which such violations continued;

E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (1996), awarding to Complainant its costs and reasonable attorney's fees; and

F. Granting such other relief as the Board may deem appropriate.

COUNT II

PERMIT VIOLATIONS

1-13. Complainant realleges and incorporates herein by reference paragraphs 1 through 11 of Count I as paragraphs 1 through 11 of this Count II.

14. Section 9(b) of the Act, 415 ILCS 5/9(b) (1996), provides:

No person shall:

* * *

b. Construct, install, or operate any equipment, facility, vehicle, vessel, or aircraft capable of causing or contributing to air pollution or designed to prevent air pollution, of any type designated by Board regulations, without a permit granted by the Agency, or in violation of any conditions imposed by such permit;

* * *

15. Operating Permit No. 72110637 included the following standard condition:

* * *

7. The permittee shall maintain all equipment covered under this permit in such a manner that the performance of such equipment

shall not cause a violation of the Environmental Protection Act or regulations promulgated thereunder.

* * *

16. On July 2, 1998, Wood River failed to properly maintain the distillate hydrotreater so as to not cause, threaten, or allow air pollution.

17. By failing to properly maintain the distillate hydrotreater and causing air pollution in violation of Section 9(a) of the Act, 415 ILCS 5/9(a) (1996), and 35 Ill. Adm. Code 201.141 (1996), the Respondent has violated standard condition no. 7 of operating permit No. 72110637.

18. By releasing gaseous hydrocarbons, hydrogen sulfide, and diesel oil from the refinery, the Respondent has violated Section 9(b) of the Act, 415 ILCS 5/9(b) (1996) and condition 7 of Operating Permit No. 72110637.

PRAYER FOR RELIEF

WHEREFORE, Complainant, the PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Board enter an order against the Respondent, WOOD RIVER REFINING COMPANY:

- A. Authorizing a hearing in this matter at which time the Respondent will be required to answer the allegations herein;
- B. Finding that Respondent has violated the Act and regulations as alleged herein;
- C. Ordering Respondent to cease and desist from any further violations of the Act and associated regulations;
- D. Pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (1996), impose a civil penalty of up to fifty thousand dollars (\$50,000) for each violation that occurred on or after July


1, 1990, and an additional penalty of ten thousand (\$10,000) for each day during which such violations continued;

E. Pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (1996), awarding to Complainant its costs and reasonable attorney's fees; and

F. Granting such other relief as the Board may deem appropriate.

PEOPLE OF THE STATE OF ILLINOIS
by JAMES E. RYAN, Attorney General
of the State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: 
THOMAS DAVIS, Chief
Environmental Bureau
Assistant Attorney General

Of Counsel
Sally A. Carter
500 South Second Street
Springfield, Illinois 62706
217/557-5767
Dated: February 18, 1999



State of Illinois

ENVIRONMENTAL PROTECTION AGENCY

Mary A. Gade, Director
217/782-2113

P. O. Box 19306, Springfield, IL 62794-9506

OPERATING PERMIT

PERMITTEEShell Oil Company
Attention: J. N. Brewster, Mgr. Environmental Conservation
P.O. Box 262
Wood River, Illinois 62095**Application No:** 72110637**I.D. No.:** 119090AAA**Applicants Designation:** WRR-23**Date Received:** August 4, 1995**Date Issued:** September 22, 1995**Expiration Date:** September 30, 1998**Subject:** Distillate Hydrotreater (WRR-23)**Location:** 900 S. Central Avenue, Roxana

Permit is hereby granted to the above-designated Permittee to OPERATE emission source(s) and/or air pollution control equipment consisting of closed-vent process equipment and one process heater with low NO_x burners as described in the above referenced application. This Permit is subject to standard conditions attached hereto and the following special condition(s):

1. Emission Limits

- a. The sulfur dioxide emissions from the aromatics east process heaters combined, which includes the process heater in this application, shall not exceed 768 lb/hr, on a 3-hour block average basis, pursuant to §214.382(c)(3)(H) and (d).
- b. The refinery fuel gas burned shall not contain more than 39 grains H₂S/100 dscf.

2. Fuel Analysis

- a. The flasher pitch burned in these heaters or boilers shall not contain more than 3% sulfur by weight as determined by the appropriate ASTM method. A representative sample shall be taken and analyzed each day.
- b. A representative sample of refinery fuel gas shall be taken and analyzed every 8 hours by the Tutweiler procedure, if the sulfur content of the gas is not analyzed by a continuous H₂S monitor meeting the requirements of New Source Performance Standards (40 CFR 60.105(a)(4) and the applicable requirements of Performance Specification No. 7 of Appendix B).

3. Record keeping

- a. The Permittee shall keep records of the amount of pitch and refinery fuel gas burned per hour and lb/hr of sulfur dioxide emitted from each source grouping so as to demonstrate compliance with the 35 Ill. Adm. Code 214.382(c).

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- b. The Permittee shall keep detailed records of the analyses performed pursuant to Condition 2.
- c. The records, as required by Condition 3, shall be entered in a log or computerized system each day, to address compliance on a 3-hour block average basis.
- d. These records and the log shall be retained for three years from the date of an entry and shall be available for inspection upon request by the Agency.

4. **Quarterly Report**

The Permittee shall submit a quarterly report, listing the following:

- a. the total sulfur dioxide emissions each month for the entire manufacturing complex, and the highest and second highest daily emission rates for each month during the quarter.
- b. Any date the measured flasher pitch sulfur content exceeded 3%.
- c. All times the continuous H₂S monitor indicated H₂S content of the fuel gas exceeding 39 grains H₂S/100 dscf for a 3-hour averaging period.
- d. A summary of any exceedance of the SO₂ limit for any operations group.
- e. The hours during which any fuel other than natural gas is burned in boilers subject to the New Source Performance Standard (NSPS), 40 CFR Part 60, Subpart J.

5. **Operation in excess of applicable sulfur dioxide emission standards is allowed during malfunction and breakdown of the sulfur recovery system provided that:**

- a. The Permittee shall immediately notify the Agency's regional office:

Environmental Protection Agency
Division of Air Pollution Control
2009 Mall Street
Collinsville, Illinois 62234

by phone (618/346-5120) of any malfunction of any component of the Permittee's sulfur recovery system which may result in a violation of the sulfur dioxide regulations.

- b. Whenever the Shell sulfur plant has not recovered at least 75% of the total sulfur available from Amoco, Clark, and the Permittee, for a four hour period, the Permittee shall institute SO₂ emission reduction procedures. The procedures shall reduce uncontrolled SO₂ emissions to no more than 16.0 tons/hr. These procedures shall include:
 - i) All necessary changes in refinery operations, and;
 - ii) Any other reasonable action to reduce emissions.

This condition supersedes standard condition No. 9 and 9.a for malfunction and breakdown of the sulfur recovery system. The Permittee shall maintain the records required by standard condition No. 9.b.

It should be noted that this permit has been revised to include the conditions that are listed in operating permit #92110025. The previously mentioned permit states that these revisions are to be made upon the renewal of this operating permit.

If you have any questions concerning this letter, please contact Bradford S. Kohlmeyer at 217/782-2113.

COPY

Original Signed by
Donald E. Sutton, P.E.

Donald E. Sutton, P.E.
Manager, Permit Section
Division of Air Pollution Control

DES:bsk *10/29/98*

CC: Region 3
USEPA



STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF AIR POLLUTION CONTROL
2200 CHURCHILL ROAD
SPRINGFIELD, ILLINOIS 62706

**STANDARD CONDITIONS
FOR
OPERATING PERMITS**

July 1, 1985

The Illinois Environmental Protection Act (Illinois Revised Statutes, Chapter 111-1/2, Section 1039) grants the Environmental Protection Agency authority to impose conditions on permits which it issues.

The following conditions are applicable unless superseded by special permit condition(s).

1. The issuance of this permit does not release the permittee from compliance with state and federal regulations which are part of the Illinois State Implementation Plan, as well as with other applicable statutes and regulations of the United States or the State of Illinois or with applicable local laws, ordinances and regulations.
2. The Agency has issued this permit based upon the information submitted by the permittee in the permit application. Any misinformation, false statement or misrepresentation in the application shall be grounds for revocation under 35 Ill. Adm. Code 201.207.
3.
 - a. The permittee shall not authorize, cause, direct or allow any modification, as defined in 35 Ill. Adm. Code 201.102, of equipment, operations or practices which are reflected in the permit application as submitted unless a new application or request for revision of the existing permit is filed with the Agency and unless a new permit or revision of the existing permit(s) is issued for such modification.
 - b. This permit only covers emission sources and control equipment while physically present at the indicated plant location(s). Unless the permit specifically provides for equipment relocation, this permit is void for an item of equipment on the day it is removed from the permitted location(s) or if all equipment is removed, notwithstanding the expiration date specified on the permit.
4. The permittee shall allow any duly authorized agent of the Agency, upon the presentation of credentials, at reasonable times:
 - a. to enter the permittee's property where actual or potential effluent, emission or noise sources are located or where any activity is to be conducted pursuant to this permit,
 - b. to have access to and to copy any records required to be kept under the terms and conditions of this permit,
 - c. to inspect, including during any hours of operation of equipment constructed or operated under this permit, such equipment and any equipment required to be kept, used, operated, calibrated and maintained under this permit,
 - d. to obtain and remove samples of any discharge or emission of pollutants, and
 - e. to enter and utilize any photographic, recording, testing, monitoring or other equipment for the purpose of preserving, testing, monitoring or recording any activity, discharge or emission authorized by this permit.
5. The issuance of this permit:
 - a. shall not be considered as in any manner affecting the title of the premises upon which the permitted facilities are located,
 - b. does not release the permittee from any liability for damage to person or property caused by or resulting from the construction, maintenance, or operation of the facilities,

- c. does not take into consideration or attest to the structural stability of any unit or part of the project, and
 - d. in no manner implies or suggests that the Agency (or its officers, agents or employees) assumes any liability, directly or indirectly, for any loss due to damage, installation, maintenance, or operation of the proposed equipment or facility.
6. The facilities covered by this permit shall be operated in such a manner that the disposal of air contaminants collected by the equipment shall not cause a violation of the Environmental Protection Act or regulations promulgated thereunder.
 7. The permittee shall maintain all equipment covered under this permit in such a manner that the performance of such equipment shall not cause a violation of the Environmental Protection Act or regulations promulgated thereunder.
 8. The permittee shall maintain a maintenance record on the premises for each item of air pollution control equipment. This record shall be made available to any agent of the Environmental Protection Agency at any time during normal working hours and/or operating hours. As a minimum, this record shall show the dates of performance and nature of preventative maintenance activities.
 9. No person shall cause or allow continued operation during malfunction, breakdown or startup of any emission source or related air pollution control equipment if such operation would cause a violation of an applicable emission standard or permit limitation. Should a malfunction, breakdown or startup occur which results in emissions in excess of any applicable standard or permit limitation, the permittee shall:
 - a. immediately report the incident to the Agency's Regional Field Operations Section Office by telephone, telegraph, or other method as constitutes the fastest available alternative, and shall comply with all reasonable directives of the Agency with respect to the incident;
 - b. maintain the following records for a period of no less than two (2) years:
 - i. date and duration of malfunction, breakdown or startup,
 - ii. full and detailed explanation of the cause,
 - iii. contaminants emitted and an estimate of quantity of emissions,
 - iv. measures taken to minimize the amount of emissions during the malfunction, breakdown or startup, and
 - v. measures taken to reduce future occurrences and frequency of incidents.
 10. If the permit application contains a compliance program and project completion schedule, the permittee shall submit a project completion status report within thirty (30) days of any date specified in the compliance program and project completion schedule or at six month intervals, whichever is more frequent.
 11. The Permittee shall submit an Annual Emission Report as required by 35 Ill. Adm. Code. 201.302 and 35 Ill. Adm. code Part 254.

CERTIFICATE OF SERVICE

I hereby certify that I did on the 22th day of February, 1999, send by Certified Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box a true and correct copy of the following instruments entitled COMPLAINT

To: C.T. Corporation Systems
Registered Agent
208 South LaSalle Street
Chicago, Illinois 60604

and the original and ten copies by First Class Mail with postage thereon fully prepaid of the same foregoing instrument(s)

To: Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
Suite 11-500
100 West Randolph
Chicago, Illinois 60601

A copy was also sent by First Class Mail with postage thereon fully prepaid

To: Amy L. Jackson, Esq.
Hearing Officer
Pollution Control Board
600 South Second Street, Suite 402
Springfield, Illinois 62704-2542

Ed Dwyer
HODGE & DWYER
808 South Second Street
Springfield, Illinois 62706



SALLY A. CARTER
Assistant Attorney General

This filing is submitted on recycled paper.