

ILLINOIS POLLUTION CONTROL BOARD
July 1, 2010

ELMHURST MEMORIAL HEALTHCARE)
and ELMHURST MEMORIAL HOSPITAL,)
)
Complainants,)
)
v.) PCB 09-66
) (Citizens Enforcement - Land)
CHEVRON U.S.A., INC.,)
)
Respondent.)

ORDER OF THE BOARD (by G.L. Blankenship):

On March 6, 2009, Elmhurst Memorial Healthcare and Elmhurst Memorial Hospital (Complainants) filed a complaint against Chevron U.S.A., Inc. (Chevron). On April 21, 2010, the Complainants filed a motion for leave to file an amended complaint and requested the Board to deem the amended complaint attached to the motion filed. The amended complaint seeks to add Texaco, Inc. (Texaco) as a party.

On June 3, 2010, the Board directed Complainants to provide the Board with proof of service of the amended complaint on Texaco. Complainants provided this proof of service on June 17, 2010, which indicated that Texaco had received the amended complaint on June 11, 2010.

On June 22, 2010, the respondents filed a motion requesting that the Board clarify its June 3, 2010 order in respect to whether or not Complainants' motion for leave is granted, whether or not the amended complaint is deemed filed and when a response from the respondents is due. The June 3, 2010 order did not make a determination on any of the above matters. Rather, the order was purely aimed at acquiring the date of service of the amended complaint on Texaco.

As previously indicated, service occurred on June 11, 2010. As such, Texaco had 14 days, up to and including June 25, 2010, to challenge the motion. *See* 35 Ill. Adm. Code 101.500(d). Texaco may also choose to file a motion to strike, dismiss or challenge the sufficiency of the complaint, which must occur on or before July 12, 2010, the first business day following the 30th day after service of the complaint. *See* 35 Ill. Adm. Code 101.506. The Board will make a determination on whether or not to accept the complaint for filing at the same time it rules on Complainants' motion for leave.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 1, 2010, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

John Therriault, Assistant Clerk
Illinois Pollution Control Board