

ILLINOIS POLLUTION CONTROL BOARD

April 12, 2017

PREMCOR REFINING GROUP,)	
)	
Petitioner,)	
)	
v.)	PCB 04-66
)	(Permit Appeal - RCRA)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ORDER OF THE BOARD (by K. Papadimitriou):

On March 3, 2016, the Board granted a stay in this proceeding until December 31, 2016, as requested by petitioner's motion to stay filed on January 1, 2016. In that order, the Board also directed the parties to file a status report on July 1, 2016, informing the Board of the status of the related Madison County Circuit Court case, No. 03-CH-459. On July 6, 2016, petitioner filed the status report *instanter* explaining that schedules and last minute changes to the report rendered petitioner unable to file the report on July 1, 2016. The Board accepted the filing of that report *instanter*.

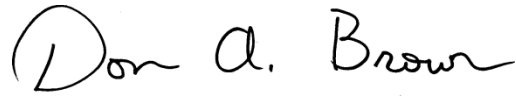
On March 9, 2017, the parties filed a joint motion seeking an additional stay for six months from the date the Board grants the motion (Joint Mot.). With the joint motion, the parties filed a status report, as required by 35 Ill. Adm. Code 101.514(a).

The parties require an additional stay because resolving the related circuit court matter requires more time due to its complexity. Joint Mot. at 2. The parties also explain that if the court enters a consent order, that will likely eliminate the need to pursue this permit appeal further. *Id.*

The Board agrees that outcome of the circuit court case may affect the need to proceed with this appeal. The status report indicates that the circuit court case is progressing. Joint Mot. at 3-5. Moreover, the joint motion and report also indicate that granting this stay would not result in any harm to the parties or the public. *Id.* at 3. The parties state that petitioner is currently performing activities at its facility under the review of and with the consent of the respondent and the Office of the Illinois Attorney General. *Id.* at 3 and 4. The Board grants the joint motion and stays this proceeding until October 12, 2017. The Board directs the parties to file a status report on October 13, 2017, informing the Board of the status of the related circuit court case.

IT IS SO ORDERED.

I, Don A. Brown, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on April 12, 2017, by a vote of 5-0.

A handwritten signature in black ink that reads "Don A. Brown". The signature is written in a cursive style with a large, circular initial "D".

Don A. Brown, Assistant Clerk
Illinois Pollution Control Board