

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ELMHURST MEMORIAL HEALTHCARE)
and)
ELMHURST MEMORIAL HOSPITAL,)
)
Complainants,)
)
vs.)
)
CHEVRON U.S.A., INC. and)
TEXACO INC.)
)
Respondents.)

RECEIVED
CLERK'S OFFICE
JUN 22 2010
STATE OF ILLINOIS
Pollution Control Board

No. PCB 2009-066
(Citizen's Suit
Enforcement Action)

NOTICE OF FILING

To: Carey S. Rosemarin
Andrew J. Marks
Law Offices of Carey S. Rosemarin, P.C.
500 Skokie Boulevard, Suite 510
Northbrook, Illinois 60062

PLEASE TAKE NOTICE that on June 22, 2010, we filed with the clerk of the Illinois Pollution Control Board an original and nine copies of Motion of Respondents Chevron U.S.A. Inc. and Texaco Inc. for Clarification of Order of June 3, 2010, a copy of which is attached hereto and herewith served upon you.

Chevron U.S.A. Inc. and Texaco Inc.

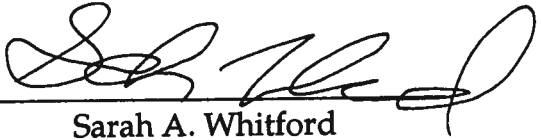
Dated: June 22, 2010

By: 
One of their attorneys

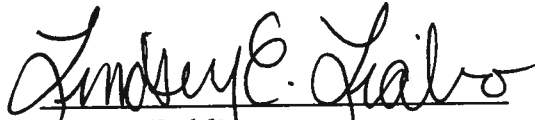
Joseph A. Girardi
Robert B. Christie
Henderson & Lyman
Attorneys for Chevron U.S.A. Inc. and Texaco Inc.
175 W. Jackson Boulevard, Suite 240
Chicago, Illinois 60604
(312) 986-6960

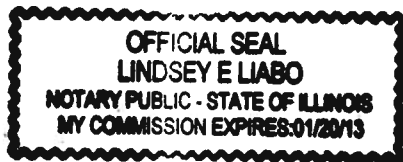
PROOF OF SERVICE BY MAIL

I, Sarah A. Whitford, a non-attorney on oath, state that I served a copy of this Motion of Respondents Chevron U.S.A. Inc. and Texaco Inc. for Clarification of Order of June 3, 2010 on the persons to whom it is directed at the address contained therein by depositing the same in the U.S. mail at 175 West Jackson Boulevard, Chicago, Illinois 60604 before 5:00 p.m. on June 22, 2010.


Sarah A. Whitford

Subscribed and sworn to before
me this 22nd day of June, 2010.


Notary Public



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ELMHURST MEMORIAL HEALTHCARE)
and)
ELMHURST MEMORIAL HOSPITAL,)
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Complainants,)
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CHEVRON U.S.A., INC. and)
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STATE OF ILLINOIS
Pollution Control Board

No. PCB 2009-066
(Citizen's Suit
Enforcement Action)

MOTION OF RESPONDENTS CHEVRON U.S.A. INC. AND TEXACO INC.
FOR CLARIFICATION OF ORDER OF JUNE 3, 2010

Respondents, Chevron U.S.A. Inc., incorrectly named as Chevron U.S.A., Inc., and Texaco Inc. (collectively "Respondents"), by their attorneys Henderson & Lyman, request, for the reasons set forth below, that the Illinois Pollution Control Board ("Board) clarify its order of June 3, 2010.

1. On April 21, 2010 Complainants filed a motion for leave to file an amended complaint which, inter alia, adds Texaco Inc. as a respondent. The motion also requested that the Board deem the amended complaint filed.

2. On June 3, 2010 the Board issued an order finding that Complainants had not yet demonstrated service of the amended complaint on Texaco Inc. and ordered Complainants to file a proof of service on Texaco Inc. on or before June 17, 2010. See Exhibit 1 attached.

3. Respondents have been served with the amended complaint and Complainants

have filed a proof of service indicating service on Respondents on June 11, 2010.

4. Respondents intend, and are presently prepared, to file a response to the amended complaint pursuant to 35 Ill. Adm. Code 212(b). The order of June 3, 2010, however, did not state whether or not Complainants' motion was granted or denied, whether or not Complainants are allowed to file the amended complaint, whether the amended complaint is deemed filed and what the date of filing is, or whether the Board intends to review and further rule on the motion after Complainants filed the proof of service.

5. In light of the language of the order Respondents cannot determine if or should the 30-day period under Section 212(b) begin to run from the date of service of the amended complaint, being June 11, 2010, or from some other date.

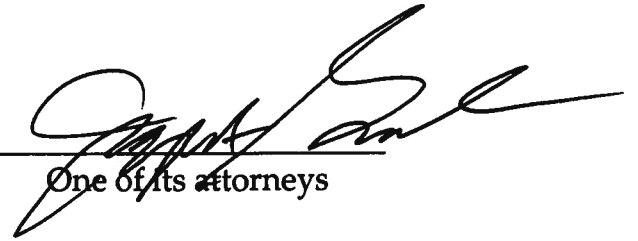
Wherefore, Respondents request that the Board clarify the order of June 3, 2010 in respect to whether or not the motion is granted, whether or not the amended complaint is deemed filed and when a response from Respondents under 35 Ill. Adm. Code 212(b) would be due.

Respectfully submitted,

Chevron U.S.A. Inc. and
Texaco Inc.

Dated: June 22, 2010

By: _____

A handwritten signature in black ink, appearing to read "Joseph A. Girardi", written over a horizontal line.

One of its attorneys

Joseph A. Girardi
Robert B. Christie
Henderson & Lyman
Attorneys for Chevron U.S.A. Inc. and Texaco Inc.
175 W. Jackson Boulevard, Suite 240
Chicago, Illinois 60604
(312) 986-6960

ILLINOIS POLLUTION CONTROL BOARD

June 3, 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. Complainants have not yet filed proof of service with the Board indicating that the amended complaint has been served on Texaco. The Board directs Complainants to file proof of service on Texaco with the Board on or before June 17, 2010, the fourteenth day after the date of this order.

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 3, 2010, by a vote of 5-0.



John Therriault, Assistant Clerk
Illinois Pollution Control Board

EX-1